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Ontario. Legislative Assembly
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BILL 137

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

61

The Community Recreation Centres Act, 1974

THE HON. R. BRUNELLE
Minister of Community and Social Services

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Explanatory Notes

The Bill is a re-enactment of *The Community Centres Act*. The principal changes include:

1. Boards of education will continue to be allowed to establish community recreation centres in unorganized territories and in organized areas only municipalities will be given this authority. This change will not affect community recreation centres already established by boards of education in municipally organized areas.

2. It is clarified that joint agreements may be entered into by municipalities for the joint establishment or joint use of community recreation centres.

3. The establishment of committees of management (previously boards of management) is discretionary rather than mandatory. The power to establish such committees is extended to boards of education.

4. It is clarified that all assets and liabilities of a community recreation centre vest in the establishing municipality.

5. The maximum amounts of capital grants are to be the same for all kinds of community recreation centres. Capital grants for renovations, alterations or extensions of community recreation centres established prior to the Bill in a municipally organized territory will continue to be paid to boards of education.

6. Building plans are to be submitted to the Minister before a grant can be paid.

7. Provision is made for approval by the Minister of non-profit private corporations that may be paid grants for establishing community recreation centres in unorganized territories.

8. Provision is made for the payment of grants to Indian Bands.

9. Provision is made for repayment of grants where there is a change in the site or use of a community recreation centre.

BILL 137 **1974**

The Community Recreation Centres Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "approved corporation" means a corporation approved under section 8;

(*b*) "band", "council of the band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1970, c. I-6

(*c*) "board" means a board as defined in *The Schools Administration Act*; R.S.O. 1970, c. 424

(*d*) "committee of management" means a committee appointed under section 5;

(*e*) "community recreation centre" means land or all or any part of a building or buildings or structure established in accordance with this Act that is maintained and operated for community recreation activity;

(*f*) "corporation" means a corporation without share capital having objects of a charitable, educational or social nature,

(i) to which Part III of *The Corporations Act* applies, or R.S.O. 1970, c. 89

(ii) that is incorporated under a general or special Act of the Parliament of Canada;

(*g*) "Minister" means the Minister of Community and Social Services;

(*h*) "municipality" means a city, town, village, township or improvement district;

(*i*) "regulations" means the regulations made under this Act.

Community centre deemed community recreation centre R.S.O. 1970, c. 73

(2) For the purposes of this Act, a community centre established under *The Community Centres Act* shall be deemed to be a community recreation centre established in accordance with this Act.

By-laws for the establishment of community recreation centres

2.—(1) The council of a municipality may, by by-law, provide for the establishment, maintenance and operation of one or more community recreation centres in accordance with this Act and the regulations and may acquire by purchase, lease or otherwise real and personal property for that purpose and the council shall submit a copy of the by-law to the Minister.

By-law for acquiring land in another municipality

(2) A by-law enacted pursuant to subsection 1 may provide for acquiring land and establishing a community recreation centre in territory without municipal organization that is contiguous to the establishing municipality or in a municipality that is contiguous to the establishing municipality.

Debentures R.S.O. 1970, c. 284

(3) A municipality may issue debentures for the purpose of subsection 1 in the manner provided by *The Municipal Act*.

Grants in aid

(4) The council of a municipality may pass by-laws granting aid to community recreation centres.

Council may prescribe fees, etc.

(5) The council of a municipality may prescribe fees and fix charges for the admittance to or the use of a community recreation centre and may from year to year or for any time not exceeding ten years let the right to sell refreshments within the community recreation centre on such terms and conditions as the council may prescribe.

Establishment of community recreation centres by boards

3.—(1) A board with jurisdiction in territory without municipal organization may provide for the establishment, maintenance and operation of one or more community recreation centres in accordance with this Act and the regulations in such territory without municipal organization and may acquire by purchase, lease or otherwise real and personal property for that purpose.

Board may prescribe fees, etc.

(2) A board that establishes a community recreation centre under subsection 1 may prescribe fees and fix charges for the admittance to or the use of the community

recreation centre and may from year to year or for any time not exceeding ten years let the right to sell refreshments within the community recreation centre on such terms and conditions as the board may prescribe.

Agreements for joint use of community recreation centres

4. The council of a municipality may enter into an agreement with the council or councils of any other municipality or municipalities for the joint establishment or use of a community recreation centre upon such terms as may be agreed respecting the cost and maintenance of the community recreation centre and the council shall submit a copy of the agreement to the Minister.

Composition of committee

5.—(1) The council of a municipality or a board establishing a community recreation centre under this Act may appoint a committee for the management and control of the community recreation centre composed of not fewer than three persons who are qualified to be elected as members of the council or of the board, as the case may be, and where the committee is composed of five or more persons, at least two shall be members of the council or of the board, as the case may be.

Joint committee

(2) The council or board may appoint one committee of management in the manner provided in subsection 1 to manage and control any or all community recreation centres established by the municipality or board, as the case may be.

Appointments

(3) The members of the committee of management shall be appointed annually by the council or board, as the case may be.

Appointment to committee of persons not qualified to be elected to council

(4) Notwithstanding subsection 1, where financial aid or contribution in respect of the establishment or maintenance of a community recreation centre under this Act is granted or made by any person, society, board or other body or by any other municipality not within the territorial jurisdiction of the municipality or board, as the case may be, that establishes the community recreation centre, the council of that municipality or board may appoint as members of the committee of management persons who are not qualified to be elected as members of the council of the municipality or board, as the case may be, that establishes the community recreation centre, but any persons appointed to represent a municipality or board contributing to the cost of the community recreation centre under an agreement for the joint establishment or use thereof shall be qualified to be elected as a member of the council of the contributing municipality or as a member of the contributing board, as the case may be.

Quorum

(5) A majority of the members of the committee of management shall be a quorum.

Committee may make rules and fix charges

(6) The committee of management of a community recreation centre may make such rules as it considers necessary relating to the management and control thereof and may fix such charges for the use of the community recreation centre as it considers advisable.

Power of committee to let the right to sell refreshments

(7) Subject to subsection 5 of section 2 and subsection 2 of section 3, the committee of management of a community recreation centre has the power to let from year to year, or for any time not exceeding ten years, the right to sell refreshments on such terms and conditions as the committee shall prescribe.

Assets and liabilities to vest in establishing municipality or board

R.S.O. 1970, c. 424

(8) Notwithstanding subsection 1, and subject to any agreement entered into under section 4 of this Act or under section 36*a* of *The Schools Administration Act*, all assets realized and liabilities incurred in connection with a community recreation centre shall vest in the municipality or board, as the case may be, that establishes the community recreation centre.

Estimate of committee's financial requirements

(9) A committee of management shall submit annually for approval by the council of the municipality or board, as the case may be, that establishes the community recreation centre, an estimate of the committee's net financial requirements for the year, and the council of the municipality or board, as the case may be, may amend the estimate prior to approval and where the estimate is approved, shall pay out of moneys appropriated for the committee such amounts as may be requisitioned by the committee from time to time but not exceeding in any year the amount of the approved estimate.

Idem

(10) Where a community recreation centre is jointly established pursuant to an agreement under section 4, the committee of management shall submit its estimate for approval by the council of each participating municipality together with a statement as to the proportion of the estimate to be charged to each municipality and the provisions of subsection 9 shall apply *mutatis mutandis*.

Idem

(11) A committee of management shall not make or incur liability for any expenditure that is not approved under subsection 9 or 10 as part of its annual estimate and the municipality or board that establishes the community recreation centre or that participates in the joint establishment or use of the community centre, as the case may be,

shall not be liable for any expenditure that is not approved under subsection 9 or 10.

Grants to municipalities

6.—(1) The Minister may out of moneys appropriated therefor by the Legislature direct payment to a municipality of an amount computed in accordance with the regulations towards the cost, approved by the Minister, of the erection, alteration, extension, acquisition by purchase, lease or otherwise or the renovation of a community recreation centre but not exceeding the lesser of $75,000 or 25 per cent or such greater amount as the regulations prescribe of such cost for any community recreation centre.

Idem

(2) Notwithstanding subsection 1, where an agreement for the joint establishment or use of a community centre is entered into under section 4, or under section 36*a* of *The Schools Administration Act*, the amount of the grant under subsection 1 to each participating municipality shall not exceed the lesser of $75,000 or 25 per cent or such greater amount as the regulations prescribe of the value of the contribution by the municipality for the community recreation centre.

R.S.O. 1970, c. 424

Grants to boards under predecessor Act

(3) Where a community recreation centre was established in a municipality by a board prior to the coming into force of this Act, the Minister may out of moneys appropriated therefor by the Legislature direct payment to the board of an amount computed in accordance with subsection 1 towards the cost, approved by the Minister, of the alteration, extension or renovation of the community recreation centre.

Plans to be submitted to Minister

7. No grant shall be made under section 6 or 9 for the erection, alteration, extension, acquisition or renovation of a community recreation centre until the plans therefor have been submitted to the Minister.

Approval of corporation by Minister

8. Where the Minister is satisfied that any corporation is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a community recreation centre and that its affairs are carried on under competent management in good faith for charitable, educational or social purposes, he may approve such corporation as a corporation for the purposes of this Act.

Grants in unorganized territories

9. The Minister may, out of moneys appropriated therefor by the Legislature and upon such terms and conditions as he may determine, direct payment to,

(*a*) the council of a band;

(*b*) an approved corporation where the community recreation centre is or will be in territory without municipal organization; or

(*c*) a board with jurisdiction in territory without municipal organization where the community recreation centre is or will be in such territory,

for the erection, alteration, extension, acquisition by purchase, lease or otherwise, or the renovation of a community recreation centre.

Change of site or use or disposal of community recreation centres

10. No municipality, board, band or approved corporation that has been paid a grant under section 6 or 9, as the case may be, in respect of a community recreation centre shall change the site or use of the community recreation centre or sell, lease, mortgage or otherwise dispose of any part of or interest in the community recreation centre without the approval in writing of the Minister, and such approval may be subject to such terms and conditions as the Minister may consider advisable, including a condition requiring the repayment in whole or in part of any such grant.

Suspension or revocation of approval

11.—(1) An approval given under this Act may be suspended or revoked by the Minister, where,

(*a*) a director, officer or servant of the municipality, board or approved corporation, as the case may be, has contravened or knowingly permitted a person under his control and direction to contravene a provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

(*b*) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with consent of the municipality, board or approved corporation, as the case may be, before suspending or revoking an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Ministry of Community and Social Services, appointed by the Minister.

Application of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected. Report

(5) After considering a report made to him under this section, the Minister may thereupon suspend or revoke the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor. Decision of Minister

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act, where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the health or safety of any person or to the public and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply. Provisional suspension

12. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) governing applications by municipalities, boards, approved corporations and bands for payments under this Act, and prescribing the terms and conditions upon which such payments may be made, and the time and manner of payment;

(*b*) prescribing classes of grants and the manner of computing the amounts of such grants or any class thereof payable under this Act;

(*c*) prescribing the greater amount of the maximum of a grant or class thereof for the purposes of section 6;

(*d*) prescribing the uses to which a community recreation centre may be put and the accommodation that may be provided therein;

(*e*) prescribing the powers and duties of municipalities, committees of management, bands and boards as they relate to the operation and management of a community recreation centre and providing for the appointment of officers of such committees;

(*f*) prescribing the records to be kept and the returns to be made to the Minister in respect of community recreation centres and the method, time and manner in which such records and returns shall be made;

(*g*) prescribing forms and providing for their use.

Repeals

13. The following are repealed:

1. *The Community Centres Act*, being chapter 73 of the Revised Statutes of Ontario, 1970.

2. *The Community Centres Amendment Act, 1972*, being chapter 157.

3. Section 20 of *The Government Reorganization Act, 1972*, being chapter 1.

Commencement

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. This Act may be cited as *The Community Recreation Centres Act, 1974*.

BILL 137

The Community Recreation Centres Act, 1974

1st Reading

November 8th, 1974

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and Social Services

(*Government Bill*)

1974

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Government
Publications

BILL 137

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
Bills

The Community Recreation Centres Act, 1974

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 137 **1974**

The Community Recreation Centres Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "approved corporation" means a corporation approved under section 8;

(*b*) "band", "council of the band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1970, c. I-6

(*c*) "board" means a board as defined in *The Schools Administration Act*; R.S.O. 1970, c. 424

(*d*) "committee of management" means a committee appointed under section 5;

(*e*) "community recreation centre" means land or all or any part of a building or buildings or structure established in accordance with this Act that is maintained and operated for community recreation activity;

(*f*) "corporation" means a corporation without share capital having objects of a charitable, educational or social nature,

(i) to which Part III of *The Corporations Act* applies, or R.S.O. 1970, c. 89

(ii) that is incorporated under a general or special Act of the Parliament of Canada;

(*g*) "Minister" means the Minister of Community and Social Services;

(*h*) "municipality" means a city, town, village, township or improvement district;

(*i*) "regulations" means the regulations made under this Act.

Community centre deemed community recreation centre R.S.O. 1970, c. 73

(2) For the purposes of this Act, a community centre established under *The Community Centres Act* shall be deemed to be a community recreation centre established in accordance with this Act.

By-laws for the establishment of community recreation centres

2.—(1) The council of a municipality may, by by-law, provide for the establishment, maintenance and operation of one or more community recreation centres in accordance with this Act and the regulations and may acquire by purchase, lease or otherwise real and personal property for that purpose and the council shall submit a copy of the by-law to the Minister.

By-law for acquiring land in another municipality

(2) A by-law enacted pursuant to subsection 1 may provide for acquiring land and establishing a community recreation centre in territory without municipal organization that is contiguous to the establishing municipality or in a municipality that is contiguous to the establishing municipality.

Debentures R.S.O. 1970, c. 284

(3) A municipality may issue debentures for the purpose of subsection 1 in the manner provided by *The Municipal Act*.

Grants in aid

(4) The council of a municipality may pass by-laws granting aid to community recreation centres.

Council may prescribe fees, etc.

(5) The council of a municipality may prescribe fees and fix charges for the admittance to or the use of a community recreation centre and may from year to year or for any time not exceeding ten years let the right to sell refreshments within the community recreation centre on such terms and conditions as the council may prescribe.

Establishment of community recreation centres by boards

3.—(1) A board with jurisdiction in territory without municipal organization may provide for the establishment, maintenance and operation of one or more community recreation centres in accordance with this Act and the regulations in such territory without municipal organization and may acquire by purchase, lease or otherwise real and personal property for that purpose.

Board may prescribe fees, etc.

(2) A board that establishes a community recreation centre under subsection 1 may prescribe fees and fix charges for the admittance to or the use of the community

recreation centre and may from year to year or for any time not exceeding ten years let the right to sell refreshments within the community recreation centre on such terms and conditions as the board may prescribe.

Agreements for joint use of community recreation centres

4. The council of a municipality may enter into an agreement with the council or councils of any other municipality or municipalities for the joint establishment or use of a community recreation centre upon such terms as may be agreed respecting the cost and maintenance of the community recreation centre and the council shall submit a copy of the agreement to the Minister.

Composition of committee

5.—(1) The council of a municipality or a board establishing a community recreation centre under this Act may appoint a committee for the management and control of the community recreation centre composed of not fewer than three persons who are qualified to be elected as members of the council or of the board, as the case may be, and where the committee is composed of five or more persons, at least two shall be members of the council or of the board, as the case may be.

Joint committee

(2) The council or board may appoint one committee of management in the manner provided in subsection 1 to manage and control any or all community recreation centres established by the municipality or board, as the case may be.

Appointments

(3) The members of the committee of management shall be appointed annually by the council or board, as the case may be.

Appointment to committee of persons not qualified to be elected to council

(4) Notwithstanding subsection 1, where financial aid or contribution in respect of the establishment or maintenance of a community recreation centre under this Act is granted or made by any person, society, board or other body or by any other municipality not within the territorial jurisdiction of the municipality or board, as the case may be, that establishes the community recreation centre, the council of that municipality or board may appoint as members of the committee of management persons who are not qualified to be elected as members of the council of the municipality or board, as the case may be, that establishes the community recreation centre, but any persons appointed to represent a municipality or board contributing to the cost of the community recreation centre under an agreement for the joint establishment or use thereof shall be qualified to be elected as a member of the council of the contributing municipality or as a member of the contributing board, as the case may be.

Quorum

(5) A majority of the members of the committee of management shall be a quorum.

Committee may make rules and fix charges

(6) The committee of management of a community recreation centre may make such rules as it considers necessary relating to the management and control thereof and may fix such charges for the use of the community recreation centre as it considers advisable.

Power of committee to let the right to sell refreshments

(7) Subject to subsection 5 of section 2 and subsection 2 of section 3, the committee of management of a community recreation centre has the power to let from year to year, or for any time not exceeding ten years, the right to sell refreshments on such terms and conditions as the committee shall prescribe.

Assets and liabilities to vest in establishing municipality or board R.S.O. 1970, c. 424

(8) Notwithstanding subsection 1, and subject to any agreement entered into under section 4 of this Act or under section 36*a* of *The Schools Administration Act*, all assets realized and liabilities incurred in connection with a community recreation centre shall vest in the municipality or board, as the case may be, that establishes the community recreation centre.

Estimate of committee's financial requirements

(9) A committee of management shall submit annually for approval by the council of the municipality or board, as the case may be, that establishes the community recreation centre, an estimate of the committee's net financial requirements for the year, and the council of the municipality or board, as the case may be, may amend the estimate prior to approval and where the estimate is approved, shall pay out of moneys appropriated for the committee such amounts as may be requisitioned by the committee from time to time but not exceeding in any year the amount of the approved estimate.

Idem

(10) Where a community recreation centre is jointly established pursuant to an agreement under section 4, the committee of management shall submit its estimate for approval by the council of each participating municipality together with a statement as to the proportion of the estimate to be charged to each municipality and the provisions of subsection 9 shall apply *mutatis mutandis*.

Idem

(11) A committee of management shall not make or incur liability for any expenditure that is not approved under subsection 9 or 10 as part of its annual estimate and the municipality or board that establishes the community recreation centre or that participates in the joint establishment or use of the community centre, as the case may be,

shall not be liable for any expenditure that is not approved under subsection 9 or 10.

Grants to municipalities

6.—(1) The Minister may out of moneys appropriated therefor by the Legislature direct payment to a municipality of an amount computed in accordance with the regulations towards the cost, approved by the Minister, of the erection, alteration, extension, acquisition by purchase, lease or otherwise or the renovation of a community recreation centre but not exceeding the lesser of $75,000 or 25 per cent or such greater amount as the regulations prescribe of such cost for any community recreation centre.

Idem

(2) Notwithstanding subsection 1, where an agreement for the joint establishment or use of a community centre is entered into under section 4, or under section 36*a* of *The Schools Administration Act*, the amount of the grant under subsection 1 to each participating municipality shall not exceed the lesser of $75,000 or 25 per cent or such greater amount as the regulations prescribe of the value of the contribution by the municipality for the community recreation centre.

R.S.O. 1970, c. 424

Grants to boards under predecessor Act

(3) Where a community recreation centre was established in a municipality by a board prior to the coming into force of this Act, the Minister may out of moneys appropriated therefor by the Legislature direct payment to the board of an amount computed in accordance with subsection 1 towards the cost, approved by the Minister, of the alteration, extension or renovation of the community recreation centre.

Plans to be submitted to Minister

7. No grant shall be made under section 6 or 9 for the erection, alteration, extension, acquisition or renovation of a community recreation centre until the plans therefor have been submitted to the Minister.

Approval of corporation by Minister

8. Where the Minister is satisfied that any corporation is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a community recreation centre and that its affairs are carried on under competent management in good faith for charitable, educational or social purposes, he may approve such corporation as a corporation for the purposes of this Act.

Grants in unorganized territories

9. The Minister may, out of moneys appropriated therefor by the Legislature and upon such terms and conditions as he may determine, direct payment to,

(*a*) the council of a band;

(*b*) an approved corporation where the community recreation centre is or will be in territory without municipal organization; or

(*c*) a board with jurisdiction in territory without municipal organization where the community recreation centre is or will be in such territory,

for the erection, alteration, extension, acquisition by purchase, lease or otherwise, or the renovation of a community recreation centre.

Change of site or use or disposal of community recreation centres

10. No municipality, board, band or approved corporation that has been paid a grant under section 6 or 9, as the case may be, in respect of a community recreation centre shall change the site or use of the community recreation centre or sell, lease, mortgage or otherwise dispose of any part of or interest in the community recreation centre without the approval in writing of the Minister, and such approval may be subject to such terms and conditions as the Minister may consider advisable, including a condition requiring the repayment in whole or in part of any such grant.

Suspension or revocation of approval

11.—(1) An approval given under this Act may be suspended or revoked by the Minister, where,

(*a*) a director, officer or servant of the municipality, board or approved corporation, as the case may be, has contravened or knowingly permitted a person under his control and direction to contravene a provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

(*b*) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with consent of the municipality, board or approved corporation, as the case may be, before suspending or revoking an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Ministry of Community and Social Services, appointed by the Minister.

Application of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected. Report

(5) After considering a report made to him under this section, the Minister may thereupon suspend or revoke the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor. Decision of Minister

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act, where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the health or safety of any person or to the public and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply. Provisional suspension

12. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) governing applications by municipalities, boards, approved corporations and bands for payments under this Act, and prescribing the terms and conditions upon which such payments may be made, and the time and manner of payment;

(*b*) prescribing classes of grants and the manner of computing the amounts of such grants or any class thereof payable under this Act;

(*c*) prescribing the greater amount of the maximum of a grant or class thereof for the purposes of section 6;

(*d*) prescribing the uses to which a community recreation centre may be put and the accommodation that may be provided therein;

(*e*) prescribing the powers and duties of municipalities, committees of management, bands and boards as they relate to the operation and management of a community recreation centre and providing for the appointment of officers of such committees;

(*f*) prescribing the records to be kept and the returns to be made to the Minister in respect of community recreation centres and the method, time and manner in which such records and returns shall be made;

(*g*) prescribing forms and providing for their use.

Repeals

13. The following are repealed:

1. *The Community Centres Act*, being chapter 73 of the Revised Statutes of Ontario, 1970.

2. *The Community Centres Amendment Act, 1972*, being chapter 157.

3. Section 20 of *The Government Reorganization Act, 1972*, being chapter 1.

Commencement

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. This Act may be cited as *The Community Recreation Centres Act, 1974*.

BILL 137

The Community Recreation Centres Act, 1974

1st Reading

November 8th, 1974

2nd Reading

November 21st, 1974

3rd Reading

November 28th, 1974

THE HON. R. BRUNELLE
Minister of Community and Social Services

1974

Ontario. Legislative Assembly
Publications

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BILL 138 Private Member's Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Landlord and Tenant Act

Mr. N. G. Leluk



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Note

The purpose of the Bill is to provide for a fluctuating interest rate on security deposits.

BILL 138 **1974**

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 84 of *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 84 (2), re-enacted

(2) A landlord shall pay annually to the tenant interest on the security deposit for rent referred to in subsection 1 at the rate determined annually by the Attorney General based on the then current market rates of interest. Interest

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Landlord and Tenant Amendment Act, 1974*. Short title

BILL 138

An Act to amend
The Landlord and Tenant Act

1st Reading

November 8th, 1974

2nd Reading

3rd Reading

MR. N. G. LELUK

(*Private Member's Bill*)

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Publications

BILL 139

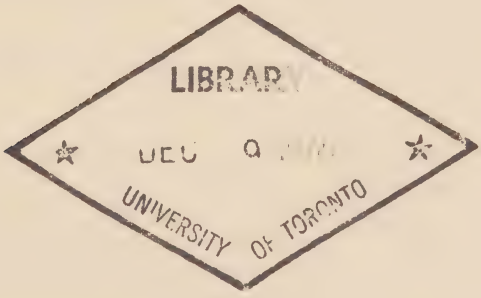
Government Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Ontario. Legislative Assembly

An Act to amend The Judicature Act

The Hon. R. Welch
Attorney General



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Notes

Section 1. The amendment increases the complement of the Court of Appeal from nine justices of appeal to thirteen justices of appeal, besides the Chief Justice.

Section 2. At present, cautions or certificates of *lis pendens* can only be vacated by a High Court judge. The amendment permits a judge of the court in which the suit is pending to vacate the caution or certificate of *lis pendens*.

Section 3. The amendment prohibits the taking or publication of pictures at judicial proceedings, or of persons attending or leaving judicial proceedings.



BILL 139 **1974**

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by striking out "nine" in the third line and inserting in lieu thereof "thirteen". s. 4 (1), amended

2. Subsection 1 of section 42 of the said Act is amended by striking out "High Court" in the fourth line and inserting in lieu thereof "court in which the action or proceeding was commenced". s. 42 (1), amended

3. The said Act is amended by adding thereto the following section: s. 68*a*, enacted

68*a*.—(1) In this section, Interpretation

(*a*) "judge" means the person presiding at a judicial proceeding;

(*b*) "judicial proceeding" means a proceeding of a court of record.

(2) Subject to subsection 3, no person shall, Prohibition against photography, etc., at judicial proceedings

(*a*) take or attempt to take any photograph, motion picture or other record capable of producing visual representations by electronic means or otherwise, or make or attempt to make a graphic portrait or sketch,

(i) at a judicial proceeding, or

(ii) of any person entering or leaving the room in which the judicial proceeding is to be or has been convened, or

(iii) of any person in the environs of the room or building in which the judicial proceeding is to be or has been convened where there is reasonable ground for believing that such person is there for the purpose of attending or leaving the proceeding; or

(*b*) publish, broadcast, reproduce or otherwise disseminate any photograph, motion picture, record, portrait or sketch taken or made in contravention of clause *a*.

Exceptions

(3) Subsection 2 does not apply to any photograph, motion picture, record, portrait or sketch taken or made upon authorization of the judge,

(*a*) where required for the presentation of evidence or the making of a record or for any other purpose of the judicial proceeding;

(*b*) in connection with any investive, ceremonial, naturalization or similar proceedings; or

(*c*) with the consent of the parties and witnesses, for such educational or instructional purposes as may be approved by the judge.

Offence

(4) Every person who is in contravention of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than six months, or to both.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Judicature Amendment Act, 1974*.

An Act to amend
The Judicature Act

1st Reading

November 14th, 1974

2nd Reading

3rd Reading

THE HON. R. WELCH
Attorney General

(*Government Bill*)

1974

Ontario. Legislative Assembly
Government Publications
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BILL 139

Government Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Judicature Act

The Hon. R. Welch
Attorney General

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(Reprinted as amended by the Committee of the Whole House)

TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Notes

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(2) Subject to subsection 3, no person shall, Prohibition against photography, etc., at judicial proceedings

(*a*) take or attempt to take any photograph, motion picture or other record capable of producing visual representations by electronic means or otherwise,

(i) at a judicial proceeding, or

(ii) of any person entering or leaving the room in which the judicial proceeding is to be or has been convened, or

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An Act to amend
The Judicature Act

1st Reading

November 14th, 1974

2nd Reading

November 21st, 1974

3rd Reading

THE HON. R. WELCH
Attorney General

(Reprinted as amended by the Committee of the Whole House)

1974

Government Publications

Ontario. Legislative Assembly **BILL 139**

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4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Judicature Act

The Hon. R. Welch
Attorney General



TORONTO
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BILL 139 **1974**

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Commencement

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Short title

5. This Act may be cited as *The Judicature Amendment Act, 1974*.

BILL 107

An Act to amend
The Judicature Act

1st Reading

November 14th, 1974

2nd Reading

November 21st, 1974

3rd Reading

November 28th, 1974

THE HON. R. WELCH
Attorney General

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XB
-B56

Government Publications

BILL 140

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The Election Act

THE HON. R. WELCH
Attorney General

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EXPLANATORY NOTE

The amendment restores judges as persons disenfranchised in provincial elections. The disqualification of judges was removed in the new Election Act in 1968-69.



BILL 140 **1974**

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act*, being chapter 142 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 9*a*, enacted

9*a*. No judge of any court is qualified to vote in any election. Judges disqualified

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Election Amendment Act, 1974*. Short title

An Act to amend
The Election Act

1st Reading

November 14th, 1974

2nd Reading

3rd Reading

THE HON. R. WELCH
Attorney General

(*Government Bill*)

1974

Government Publications

Ontario. Legislative Assembly

BILL 140

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-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Election Act

The Hon. R. Welch
Attorney General



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BILL 140

1974

An Act to amend The Election Act

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1. *The Election Act*, being chapter 142 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 9*a*, enacted

9*a*. No judge of any court is qualified to vote in any election. Judges disqualified

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Election Amendment Act, 1974*. Short title

An Act to amend
The Election Act

1st Reading

November 14th, 1974

2nd Reading

November 21st, 1974

3rd Reading

November 21st, 1974

THE HON. R. WELCH
Attorney General

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B 56

Publications

BILL 141 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The Statutes Act

THE HON. R. WELCH
Attorney General



TORONTO
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Explanatory Note

Before 1918 *The Statutes Act* provided that every Act came into force on Royal Assent unless otherwise provided. Commencement provisions were therefore not included in Acts when the commencement date thereof was to be Royal Assent.

In 1918 the Act was amended to provide that every Act comes into force on the sixtieth day after prorogation unless otherwise provided and to require the endorsement of the prorogation date on every Act.

These provisions have fallen into disuse as it has become general practice to include a commencement provision in every Act whether commencement is Royal Assent or otherwise. Also, since 1956 it has become general practice to include on the title page of every annual volume the date of prorogation of the seesion as well as the date on which it was convened.

The amendment in sections 1 and 2 of the Bill deleting the provision requiring that the date of prorogation or dissolution be endorsed on every Act will result in the general endorsement provisions of sections 4 and 5 being consistent with similar legislation in all other jurisdictions in Canada and will result in savings of printing costs and in reducing the time within which the annual volume can be published.

BILL 141 **1974**

An Act to amend The Statutes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Statutes Act*, being chapter 446 of the Revised Statutes of Ontario, 1970, is amended by striking out "and the day, month and year of the prorogation of the session of the Legislature at which it was passed" in the fourth and fifth lines. s. 4, amended

2. Subsection 2 of section 5 of the said Act is amended by striking out "and in every such case the Clerk of the Assembly shall endorse on every Act passed at the session the day, month and year of the dissolution in lieu of the day, month and year of the prorogation" in the fourth, fifth, sixth and seventh lines. s. 5 (2), amended

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Statutes Amendment Act, 1974*. Short title

BILL 111

An Act to amend
The Statutes Act

1st Reading

November 14th, 1974

2nd Reading

3rd Reading

THE HON. R. WELCH
Attorney General

(*Government Bill*)

1974

Ontario. Legislative Assembly
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BILL 141

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Statutes Act

The Hon. R. Welch
Attorney General

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Printed by J. C. Thatcher, Queen's Printer for Ontario

BILL 141 **1974**

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Statutes Amendment Act, 1974*. Short title

An Act to amend
The Statutes Act

1st Reading

November 14th, 1974

2nd Reading

November 21st, 1974

3rd Reading

November 21st, 1974

THE HON. R. WELCH
Attorney General

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XB
-B56

Government
Publications

BILL 142

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The Execution Act

THE HON. R. WELCH
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The amendment permits the preservation of writs of execution in respect of newly created jurisdictions in the same manner as on an annexation.

BILL 142 **1974**

An Act to amend The Execution Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Execution Act*, being chapter 152 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 32, amended

(5) Where a regional or district municipality or a county is created, the land therein shall be deemed to be annexed to the regional or district municipality or county for the purposes of this section. Creation of regional or district municipalities or counties

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Execution Amendment Act, 1974*. Short title

An Act to amend
The Execution Act

1st Reading

November 14th, 1974

2nd Reading

3rd Reading

THE HON. R. WELCH
Attorney General

(*Government Bill*)

1974

Ontario. Legislative Assembly
Government Publications
CA2ON
XB
B56

BILL 142

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Execution Act

THE HON. R. WELCH
Attorney General



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BILL 142 **1974**

An Act to amend The Execution Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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3. This Act may be cited as *The Execution Amendment Act, 1974*. Short title

An Act to amend
The Execution Act

1st Reading

November 14th, 1974

2nd Reading

November 21st, 1974

3rd Reading

November 21st, 1974

The Hon. R. Welch
Attorney General

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XB
-B56

Publications

BILL 143 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The Dog Licensing and Live Stock and Poultry Protection Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1.—Subsection 1. The conditions under which a dog shall be deemed to be running at large are enlarged from being in a highway or other public place to include any place other than the premises of the owner of the dog.

Subsection 2. The new subsection 4 removes any inference in subsection 2 of section 7 of the Act (as re-enacted by subsection 1 of section 1 of the Bill) that a right to enter any premises is conferred.

The new subsection 5 provides that a by-law under section 7 of the Act may provide for the voluntary payment of fines out of court.

Section 2. The interpretation section (section 11) of the Act is amended to include a definition of "Board", "poultry" and "wolf".

BILL 143 **1974**

An Act to amend The Dog Licensing and Live Stock and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7 (2), re-enacted

(2) For the purpose of this section, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person. When deemed running at large

(2) The said section 7, as amended by the Statutes of Ontario, 1972, chapter 10, section 6, is further amended by adding thereto the following subsections: s. 7, amended

(4) Nothing in subsection 2 confers on any person a right to enter any premises. No right of entry conferred

(5) A by-law under this section may provide for the voluntary payment of penalties out of court in cases where it is alleged that any of the provisions of the by-law respecting dogs running at large have been contravened and, if payment is not made in accordance with the procedure, the fine is recoverable under *The Summary Convictions Act*. Payment out of court

R.S.O. 1970, c. 450

2. Section 11 of the said Act is repealed and the following substituted therefor: s. 11, re-enacted

11. In this Part, Interpretation

(*a*) "Board" means the Wolf Damage Assessment Board established under section 19*b*;

(*b*) "Commissioner" means the Live Stock Commissioner;

(*c*) "injured" in respect of live stock or poultry means injured by wounding, worrying or pursuing, and "injury" has a corresponding meaning;

(*d*) "live stock" means cattle, goats, horses, sheep or swine;

R.S.O. 1970, c. 186

(*e*) "poultry" includes game birds where the game birds are kept pursuant to a licence under *The Game and Fish Act*;

(*f*) "wolf" means any of the species *Canis lupus L.* or *Canis latrans Say.* or any cross breed of either.

s. 13 (1), re-enacted

3.—(1) Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor:

Liability of municipality

(1) Where a dog or a wolf kills or injures live stock or poultry and, in the case of killing or injuring by a dog whether the owner of the dog is known or not, the local municipality in which the killing or injuring occurred is liable to the owner of the live stock or poultry for the amount of damage determined under section 14, and shall pay over such amount to the owner within thirty days after the amount has been so determined.

s. 13 (2) (*b*), amended

(2) Clause *b* of subsection 2 of the said section 13 is amended by striking out "or" where it occurs the second time in the second line.

s. 13 (2) (*c*), repealed

(3) Clause *c* of subsection 2 of the said section 13 is repealed.

s. 13 (3), re-enacted

(4) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

By-law for damage by wild animals

(3) The council of a local municipality may pass a by-law providing that where live stock or poultry are killed or injured by wild animals, other than wolves, in the municipality, subsection 1 applies in the same manner as where live stock or poultry are killed or injured by a dog or wolf but the council in the by-law may fix the maximum amount payable for any head of live stock so killed or injured in any year and may fix the proportion of the damages ascertained under section 14 that is payable.

s. 14 (2, 3), re-enacted

4.—(1) Subsections 2 and 3 of section 14 of the said Act are repealed and the following substituted therefor:

Sections 3 and 4. The application of sections 13 and 14 of the Act which at present apply to the killing or injuring of live stock or poultry by dogs and payment of compensation therefor by municipalities is extended to killing or injuring by wolves.

(2) Where the owner of live stock or poultry discovers that any of his live stock or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises, he shall immediately notify a valuer for the local municipality in which the live stock or poultry were killed or injured or the clerk of such municipality who shall forthwith notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage and his award therefor, and he shall at the same time forward a copy of such report to the owner of the live stock or poultry. Investigation and report by valuer

(3) Where the owner of live stock or poultry notifies a valuer or a clerk of a municipality under subsection 2, he shall, within ten days, file with the clerk an affidavit that to the best of his knowledge and belief the live stock or poultry were killed or injured by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises. Affidavit of owner

(2) Clauses *a* and *c* of subsection 4 of the said section 14 are repealed and the following substituted therefor: s. 14 (4) (*a*, *c*), re-enacted

(*a*) that any of the live stock or poultry was not killed or injured by a dog or a wolf; or

. . . . .

(*c*) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by dogs or wolves,

. . . . .

(3) The said section 14 is amended by adding thereto the following subsection: s. 14, amended

(4*a*) The valuer shall include in his report a finding as to whether the live stock or poultry were killed or injured by dogs or by wolves. Report of valuer

(4) Subsection 9 of the said section 14 is repealed and the following substituted therefor: s. 14, (9), re-enacted

(9) Where there is no valuer of the local municipality or the clerk or the valuer does not discharge the duties Where no municipal valuer, etc.

imposed on him by this Act, the Commissioner, on the application of the owner of any live stock or poultry killed or injured by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises, shall name a valuer, and the valuer so named shall make an investigation and report, and the municipality shall pay to the Commissioner the cost of such investigation and report as fixed by him.

s. 19, amended

5. Section 19 of the said Act is amended by adding thereto the following subsections:

Payment of compensation

(2) Where in territory without municipal organization live stock or poultry are killed or injured by a wolf, the Commissioner may pay compensation to the owner of the live stock or poultry for the amount of the damage determined under subsection 3.

Determination of amount of compensation

(3) For the purpose of determining the amount of compensation that may be paid under subsection 2, the Commissioner may exercise any of the powers of a council of a municipality under section 14, and the procedures prescribed under subsections 1 to 6 and subsections 12 and 13 of section 14 apply *mutatis mutandis*.

ss. 19*a*-19*d*, 22, enacted

6. The said Act is amended by adding thereto the following sections:

Reports to be submitted to Commissioner

19*a*. Every municipality that has paid any damage ascertained under section 14 respecting damage by wolves to an owner shall submit reports thereon to the Commissioner at such times and in such form and manner as is prescribed in the regulations and such reports shall include a report on the number of claims paid, the amount of each such claim and the findings of the valuer as to whether the live stock or poultry were killed or injured by dogs or by wolves.

Wolf Damage Assessment Board established

19*b*.—(1) There is hereby established a board to be known as the Wolf Damage Assessment Board that shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Ministry of Agriculture and Food and who shall hold office during pleasure.

Chairman, vice-chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

SECTION 5. The amendment provides for the payment of compensation for the killing or injuring of live stock or poultry by wolves in territory without municipal organization.

SECTION 6. The new section 19*a* provides for the making of reports to the Live Stock Commissioner by municipalities respecting payments for damage caused by wolves.

The new section 19*b* establishes the Wolf Damage Assessment Board.

The new section 19*c* authorizes the Live Stock Commissioner to make grants to reimburse municipalities for payments for damage caused by wolves.

The new section 19*d* provides that the Commissioner may refer an application by a municipality for a grant to the Board for a determination as to whether or not the damage was caused by wolves.

The section also establishes the procedure to be followed by the Board in holding hearings.

The new section 22 authorizes the making of regulations respecting applications by municipalities for grants.

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. Remuneration

19*c*. Upon application therefor by a municipality in the manner prescribed in the regulations, the Commissioner may, out of the moneys appropriated therefor by the Legislature, authorize the payment of grants so as to reimburse the municipality for any damage ascertained under section 14 and paid by the municipality to an owner where the damage was caused by wolves, and, subject to section 19*d*, no hearing is required in considering whether or not a grant shall be paid. Payment of grants to municipality

19*d*.—(1) Where the Commissioner has reason to believe that any damage paid by a municipality for which application has been made for a grant under section 19*c* may not have been caused by wolves, he shall refer the application to the Board by notice in writing delivered to the municipality and filed with the Board. Referral of application to Board

(2) Where an application has been referred to the Board under subsection 1, the Board shall, after a hearing, determine whether or not the whole or any part of the damage referred to in the application was caused by wolves and the decision of the Board shall, as to whether or not any such damage was caused by wolves, be binding on the Commissioner. Board may determine whether damage caused by wolves

(3) The Commissioner, the municipality and such other persons as the Board may specify, are parties to the proceedings before the Board under this Act. Parties to proceedings before the Board

(4) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Only members at hearing to participate in decision

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Application 1971, c. 47

(7) Part I of *The Statutory Powers Procedure Act, 1971* applies with respect to a hearing by the Board under this section.

. . . . .

Regulations

22. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the form and manner in which reports required under section 19*a* shall be made and the times at which such reports shall be submitted;

(*b*) prescribing the manner in which an application shall be made under section 19*c*;

(*c*) prescribing forms and providing for their use.

Moneys

7.—(1) The moneys required for the purposes of this Act shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Transitional provision

(2) From and after the date on which this Act comes into force, *The Dog Licensing and Live Stock and Poultry Protection Act*, as amended by this Act, applies to all cases of damage to live stock or poultry by wolves where compensation has not been paid or has not been refused under *The Wolf Damage to Live Stock Compensation Act, 1972*, notwithstanding that the damage occurred prior to the coming into force of this Act.

Repeal

8. *The Wolf Damage to Live Stock Compensation Act, 1972*, being chapter 145, is repealed.

Commencement

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

10. This Act may be cited as *The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1974*.

SECTION 7. This is a transitional section. Claims outstanding under *The Wolf Damage to Live Stock Compensation Act, 1972* at the time that Act is repealed may be dealt with under *The Dog Licensing and Live Stock and Poultry Protection Act*.

SECTION 8. *The Wolf Damage to Live Stock Compensation Act, 1972* is repealed.

An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act

1st Reading

November 14th, 1974

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(*Government Bill*)

1974

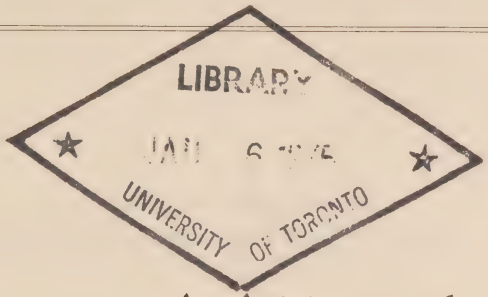
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BILL 143

Government
Publications

Government Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974



An Act to amend The Dog Licensing and Live Stock and Poultry Protection Act

The Hon. W. A. Stewart
Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario



EXPLANATORY NOTES

SECTION 1.—Subsection 1. The conditions under which a dog shall be deemed to be running at large are enlarged from being in a highway or other public place to include any place other than the premises of the owner of the dog.

Subsection 2. The new subsection 4 removes any inference in subsection 2 of section 7 of the Act (as re-enacted by subsection 1 of section 1 of the Bill) that a right to enter any premises is conferred.

The new subsection 5 provides that a by-law under section 7 of the Act may provide for the voluntary payment of fines out of court.

SECTION 2. The interpretation section (section 11) of the Act is amended to include a definition of "Board", "poultry" and "wolf".

BILL 143 **1974**

An Act to amend The Dog Licensing and Live Stock and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7 (2), re-enacted

(2) For the purpose of this section, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person. When deemed running at large

(2) The said section 7, as amended by the Statutes of Ontario, 1972, chapter 10, section 6, is further amended by adding thereto the following subsections: s. 7, amended

(4) Nothing in subsection 2 confers on any person a right to enter any premises. No right of entry conferred

(5) A by-law under this section may provide for the voluntary payment of penalties out of court in cases where it is alleged that any of the provisions of the by-law respecting dogs running at large have been contravened and, if payment is not made in accordance with the procedure, the fine is recoverable under *The Summary Convictions Act*. Payment out of court; R.S.O. 1970, c. 450

2. Section 11 of the said Act is repealed and the following substituted therefor: s. 11, re-enacted

11. In this Part, Interpretation

(*a*) "Board" means the Wolf Damage Assessment Board established under section 19*b*;

(*b*) "Commissioner" means the Live Stock Commissioner;

(*c*) "injured" in respect of live stock or poultry means injured by wounding, worrying or pursuing, and "injury" has a corresponding meaning;

(*d*) "live stock" means cattle, goats, horses, sheep or swine;

(*e*) "poultry" includes game birds where the game birds are kept pursuant to a licence under *The Game and Fish Act*; R.S.O. 1970, c. 186

(*f*) "wolf" means any of the species *Canis lupus L.* or *Canis latrans Say.* or any cross breed of either.

s. 13 (1), re-enacted

3.—(1) Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor:

Liability of municipality

(1) Where a dog or a wolf kills or injures live stock or poultry and, in the case of killing or injuring by a dog, whether the owner of the dog is known or not, the local municipality in which the killing or injuring occurred is liable to the owner of the live stock or poultry for the amount of damage determined under section 14, and shall pay over such amount to the owner within thirty days after the amount has been so determined.

s. 13 (2) (*b*), amended

(2) Clause *b* of subsection 2 of the said section 13 is amended by striking out "or" where it occurs the second time in the second line.

s. 13 (2) (*c*), repealed

(3) Clause *c* of subsection 2 of the said section 13 is repealed.

s. 13 (3), re-enacted

(4) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

By-law for damage by wild animals

(3) The council of a local municipality may pass a by-law providing that where live stock or poultry are killed or injured by wild animals, other than wolves, in the municipality, subsection 1 applies in the same manner as where live stock or poultry are killed or injured by a dog or wolf, but the council in the by-law may fix the maximum amount payable for any head of live stock so killed or injured in any year and may fix the proportion of the damages ascertained under section 14 that is payable.

s. 14 (2, 3), re-enacted

4.—(1) Subsections 2 and 3 of section 14 of the said Act are repealed and the following substituted therefor:

Sections 3 and 4. The application of sections 13 and 14 of the Act which at present apply to the killing or injuring of live stock or poultry by dogs and payment of compensation therefor by municipalities is extended to killing or injuring by wolves.

(2) Where the owner of live stock or poultry discovers that any of his live stock or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises, he shall immediately notify a valuer for the local municipality in which the live stock or poultry were killed or injured or the clerk of such municipality who shall forthwith notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage and his award therefor, and he shall at the same time forward a copy of such report to the owner of the live stock or poultry. Investigation and report by valuer

(3) Where the owner of live stock or poultry notifies a valuer or a clerk of a municipality under subsection 2, he shall, within ten days, file with the clerk an affidavit that to the best of his knowledge and belief the live stock or poultry were killed or injured by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises. Affidavit of owner

(2) Clauses *a* and *c* of subsection 4 of the said section 14 are repealed and the following substituted therefor: s. 14 (4) (*a*, *c*), re-enacted

(*a*) that any of the live stock or poultry was not killed or injured by a dog or a wolf; or

. . . . .

(*c*) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by dogs or wolves,

. . . . .

(3) The said section 14 is amended by adding thereto the following subsection: s. 14, amended

(4*a*) The valuer shall include in his report a finding as to whether the live stock or poultry were killed or injured by dogs or by wolves. Report of valuer

(4) Subsection 9 of the said section 14 is repealed and the following substituted therefor: s. 14, (9), re-enacted

(9) Where there is no valuer of the local municipality or the clerk or the valuer does not discharge the duties Where no municipal valuer, etc.

imposed on him by this Act, the Commissioner, on the application of the owner of any live stock or poultry killed or injured by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises, shall name a valuer, and the valuer so named shall make an investigation and report, and the municipality shall pay to the Commissioner the cost of such investigation and report as fixed by him.

s. 19, amended

5. Section 19 of the said Act is amended by adding thereto the following subsections:

Payment of compensation

(2) Where in territory without municipal organization live stock or poultry are killed or injured by a wolf, the Commissioner may pay compensation to the owner of the live stock or poultry for the amount of the damage determined under subsection 3.

Determination of amount of compensation

(3) For the purpose of determining the amount of compensation that may be paid under subsection 2, the Commissioner may exercise any of the powers of a council of a municipality under section 14, and the procedures prescribed under subsections 1 to 6 and subsections 12 and 13 of section 14 apply *mutatis mutandis*.

ss. 19*a*-19*d*, 22, enacted

6. The said Act is amended by adding thereto the following sections:

Reports to be submitted to Commissioner

19*a*. Every municipality that has paid any damage ascertained under section 14 respecting damage by wolves to an owner shall submit reports thereon to the Commissioner at such times and in such form and manner as is prescribed in the regulations and such reports shall include a report on the number of claims paid, the amount of each such claim and the findings of the valuer as to whether the live stock or poultry were killed or injured by dogs or by wolves.

Wolf Damage Assessment Board established

19*b*.—(1) There is hereby established a board to be known as the Wolf Damage Assessment Board that shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Ministry of Agriculture and Food and who shall hold office during pleasure.

Chairman, vice-chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

SECTION 5. The amendment provides for the payment of compensation for the killing or injuring of live stock or poultry by wolves in territory without municipal organization.

SECTION 6. The new section 19*a* provides for the making of reports to the Live Stock Commissioner by municipalities respecting payments for damage caused by wolves.

The new section 19*b* establishes the Wolf Damage Assessment Board.

The new section 19*c* authorizes the Live Stock Commissioner to make grants to reimburse municipalities for payments for damage caused by wolves.

The new section 19*d* provides that the Commissioner may refer an application by a municipality for a grant to the Board for a determination as to whether or not the damage was caused by wolves.

The section also establishes the procedure to be followed by the Board in holding hearings.

The new section 22 authorizes the making of regulations respecting applications by municipalities for grants.

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. Remuneration

19*c*. Upon application therefor by a municipality in the manner prescribed in the regulations, the Commissioner may, out of the moneys appropriated therefor by the Legislature, authorize the payment of grants so as to reimburse the municipality for any damage ascertained under section 14 and paid by the municipality to an owner where the damage was caused by wolves, and, subject to section 19*d*, no hearing is required in considering whether or not a grant shall be paid. Payment of grants to municipality

19*d*.—(1) Where the Commissioner has reason to believe that any damage paid by a municipality for which application has been made for a grant under section 19*c* may not have been caused by wolves, he shall refer the application to the Board by notice in writing delivered to the municipality and filed with the Board. Referral of application to Board

(2) Where an application has been referred to the Board under subsection 1, the Board shall, after a hearing, determine whether or not the whole or any part of the damage referred to in the application was caused by wolves and the decision of the Board shall, as to whether or not any such damage was caused by wolves, be binding on the Commissioner. Board may determine whether damage caused by wolves

(3) The Commissioner, the municipality and such other persons as the Board may specify, are parties to the proceedings before the Board under this Act. Parties to proceedings before the Board

(4) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Only members at hearing to participate in decision

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Application 1971, c. 47

(7) Part I of *The Statutory Powers Procedure Act, 1971* applies with respect to a hearing by the Board under this section.

. . . . .

Regulations

22. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the form and manner in which reports required under section 19*a* shall be made and the times at which such reports shall be submitted;

(*b*) prescribing the manner in which an application shall be made under section 19*c*;

(*c*) prescribing forms and providing for their use.

Part III (s. 23), enacted

7. The said Act is further amended by adding thereto the following Part:

PART III

DAMAGE TO HONEY BEE COLONIES BY BEARS

Payment of compensation

23.—(1) Where a colony of honey bees is damaged or destroyed by a bear, the Commissioner, on the application of the owner of the colony, may pay compensation to the owner in such amount as he considers reasonable.

Investigation and report by valuer

(2) For the purpose of determining the amount of compensation that may be paid under subsection 1, the Commissioner may appoint a valuer to make an investigation and the valuer so appointed shall make an investigation and shall make his report in writing within ten days thereafter to the Commissioner together with his recommendations respecting compensation.

Amount of payment limited

(3) No payment in respect of a colony of honey bees shall exceed,

(*a*) $50 for the hive equipment; and

(*b*) $25 for the honey bees.



SECTION 7. The new Part provides for the payment of compensation for the damaging or destroying of bee colonies by bears.



SECTION 8. This is a transitional section. Claims outstanding under *The Wolf Damage to Live Stock Compensation Act, 1972* at the time that Act is repealed may be dealt with under *The Dog Licensing and Live Stock and Poultry Protection Act*.

SECTION 9. *The Wolf Damage to Live Stock Compensation Act, 1972* is repealed.

8.—(1) The moneys required for the purposes of this Act shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

(2) From and after the date on which this Act comes into force, *The Dog Licensing and Live Stock and Poultry Protection Act*, as amended by this Act, applies to all cases of damage to live stock or poultry by wolves where compensation has not been paid or has not been refused under *The Wolf Damage to Live Stock Compensation Act, 1972*, notwithstanding that the damage occurred prior to the coming into force of this Act. Transitional provision

9. *The Wolf Damage to Live Stock Compensation Act, 1972*, being chapter 145, is repealed. Repeal

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

11. This Act may be cited as *The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1974*. Short title

An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act

1st Reading

November 14th, 1974

2nd Reading

December 3rd, 1974

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(*Reprinted as amended by the Committee of the Whole House*)

1974

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Government
Publications

BILL 143

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislature Assembly
12 1b

An Act to amend The Dog Licensing and Live Stock and Poultry Protection Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 143 **1974**

An Act to amend The Dog Licensing and Live Stock and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7 (2), re-enacted

(2) For the purpose of this section, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person. When deemed running at large

(2) The said section 7, as amended by the Statutes of Ontario, 1972, chapter 10, section 6, is further amended by adding thereto the following subsections: s. 7, amended

(4) Nothing in subsection 2 confers on any person a right to enter any premises. No right of entry conferred

(5) A by-law under this section may provide for the voluntary payment of penalties out of court in cases where it is alleged that any of the provisions of the by-law respecting dogs running at large have been contravened and, if payment is not made in accordance with the procedure, the fine is recoverable under *The Summary Convictions Act*. Payment out of court

R.S.O. 1970, c. 450

2. Section 11 of the said Act is repealed and the following substituted therefor: s. 11, re-enacted

11. In this Part, Interpretation

(*a*) "Board" means the Wolf Damage Assessment Board established under section 19*b*;

(*b*) "Commissioner" means the Live Stock Commissioner;

(*c*) "injured" in respect of live stock or poultry means injured by wounding, worrying or pursuing, and "injury" has a corresponding meaning;

(*d*) "live stock" means cattle, goats, horses, sheep or swine;

(*e*) "poultry" includes game birds where the game birds are kept pursuant to a licence under *The Game and Fish Act*; R.S.O. 1970, c. 186

(*f*) "wolf" means any of the species *Canis lupus L.* or *Canis latrans Say.* or any cross breed of either.

s. 13 (1), re-enacted

3.—(1) Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor:

Liability of municipality

(1) Where a dog or a wolf kills or injures live stock or poultry and, in the case of killing or injuring by a dog, whether the owner of the dog is known or not, the local municipality in which the killing or injuring occurred is liable to the owner of the live stock or poultry for the amount of damage determined under section 14, and shall pay over such amount to the owner within thirty days after the amount has been so determined.

s. 13 (2) (*b*), amended

(2) Clause *b* of subsection 2 of the said section 13 is amended by striking out "or" where it occurs the second time in the second line.

s. 13 (2) (*c*), repealed

(3) Clause *c* of subsection 2 of the said section 13 is repealed.

s. 13 (3), re-enacted

(4) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

By-law for damage by wild animals

(3) The council of a local municipality may pass a by-law providing that where live stock or poultry are killed or injured by wild animals, other than wolves, in the municipality, subsection 1 applies in the same manner as where live stock or poultry are killed or injured by a dog or wolf, but the council in the by-law may fix the maximum amount payable for any head of live stock so killed or injured in any year and may fix the proportion of the damages ascertained under section 14 that is payable.

s. 14 (2, 3), re-enacted

4.—(1) Subsections 2 and 3 of section 14 of the said Act are repealed and the following substituted therefor:

(2) Where the owner of live stock or poultry discovers that any of his live stock or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises, he shall immediately notify a valuer for the local municipality in which the live stock or poultry were killed or injured or the clerk of such municipality who shall forthwith notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage and his award therefor, and he shall at the same time forward a copy of such report to the owner of the live stock or poultry. Investigation and report by valuer

(3) Where the owner of live stock or poultry notifies a valuer or a clerk of a municipality under subsection 2, he shall, within ten days, file with the clerk an affidavit that to the best of his knowledge and belief the live stock or poultry were killed or injured by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises. Affidavit of owner

(2) Clauses *a* and *c* of subsection 4 of the said section 14 are repealed and the following substituted therefor: s. 14 (4) (*a*, *c*), re-enacted

(*a*) that any of the live stock or poultry was not killed or injured by a dog or a wolf; or

. . . . .

(*c*) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by dogs or wolves,

. . . . .

(3) The said section 14 is amended by adding thereto the following subsection: s. 14, amended

(4*a*) The valuer shall include in his report a finding as to whether the live stock or poultry were killed or injured by dogs or by wolves. Report of valuer

(4) Subsection 9 of the said section 14 is repealed and the following substituted therefor: s. 14, (9), re-enacted

(9) Where there is no valuer of the local municipality or the clerk or the valuer does not discharge the duties Where no municipal valuer, etc.

imposed on him by this Act, the Commissioner, on the application of the owner of any live stock or poultry killed or injured by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises, shall name a valuer, and the valuer so named shall make an investigation and report, and the municipality shall pay to the Commissioner the cost of such investigation and report as fixed by him.

s. 19, amended

5. Section 19 of the said Act is amended by adding thereto the following subsections:

Payment of compensation

(2) Where in territory without municipal organization live stock or poultry are killed or injured by a wolf, the Commissioner may pay compensation to the owner of the live stock or poultry for the amount of the damage determined under subsection 3.

Determination of amount of compensation

(3) For the purpose of determining the amount of compensation that may be paid under subsection 2, the Commissioner may exercise any of the powers of a council of a municipality under section 14, and the procedures prescribed under subsections 1 to 6 and subsections 12 and 13 of section 14 apply *mutatis mutandis*.

ss. 19*a*-19*d*, 22, enacted

6. The said Act is amended by adding thereto the following sections:

Reports to be submitted to Commissioner

19*a*. Every municipality that has paid any damage ascertained under section 14 respecting damage by wolves to an owner shall submit reports thereon to the Commissioner at such times and in such form and manner as is prescribed in the regulations and such reports shall include a report on the number of claims paid, the amount of each such claim and the findings of the valuer as to whether the live stock or poultry were killed or injured by dogs or by wolves.

Wolf Damage Assessment Board established

19*b*.—(1) There is hereby established a board to be known as the Wolf Damage Assessment Board that shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Ministry of Agriculture and Food and who shall hold office during pleasure.

Chairman, vice-chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. Remuneration

19*c*. Upon application therefor by a municipality in the manner prescribed in the regulations, the Commissioner may, out of the moneys appropriated therefor by the Legislature, authorize the payment of grants so as to reimburse the municipality for any damage ascertained under section 14 and paid by the municipality to an owner where the damage was caused by wolves, and, subject to section 19*d*, no hearing is required in considering whether or not a grant shall be paid. Payment of grants to municipality

19*d*.—(1) Where the Commissioner has reason to believe that any damage paid by a municipality for which application has been made for a grant under section 19*c* may not have been caused by wolves, he shall refer the application to the Board by notice in writing delivered to the municipality and filed with the Board. Referral of application to Board

(2) Where an application has been referred to the Board under subsection 1, the Board shall, after a hearing, determine whether or not the whole or any part of the damage referred to in the application was caused by wolves and the decision of the Board shall, as to whether or not any such damage was caused by wolves, be binding on the Commissioner. Board may determine whether damage caused by wolves

(3) The Commissioner, the municipality and such other persons as the Board may specify, are parties to the proceedings before the Board under this Act. Parties to proceedings before the Board

(4) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact

1971, c. 47

Only members at hearing to participate in decision

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Application 1971, c. 47

(7) Part I of *The Statutory Powers Procedure Act, 1971* applies with respect to a hearing by the Board under this section.

. . . . .

Regulations

22. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the form and manner in which reports required under section 19*a* shall be made and the times at which such reports shall be submitted;

(*b*) prescribing the manner in which an application shall be made under section 19*c*;

(*c*) prescribing forms and providing for their use.

Part III (s. 23), enacted

7. The said Act is further amended by adding thereto the following Part:

PART III

DAMAGE TO HONEY BEE COLONIES BY BEARS

Payment of compensation

23.—(1) Where a colony of honey bees is damaged or destroyed by a bear, the Commissioner, on the application of the owner of the colony, may pay compensation to the owner in such amount as he considers reasonable.

Investigation and report by valuer

(2) For the purpose of determining the amount of compensation that may be paid under subsection 1, the Commissioner may appoint a valuer to make an investigation and the valuer so appointed shall make an investigation and shall make his report in writing within ten days thereafter to the Commissioner together with his recommendations respecting compensation.

Amount of payment limited

(3) No payment in respect of a colony of honey bees shall exceed,

(*a*) $50 for the hive equipment; and

(*b*) $25 for the honey bees.

8.—(1) The moneys required for the purposes of this Act shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

(2) From and after the date on which this Act comes into force, *The Dog Licensing and Live Stock and Poultry Protection Act*, as amended by this Act, applies to all cases of damage to live stock or poultry by wolves where compensation has not been paid or has not been refused under *The Wolf Damage to Live Stock Compensation Act, 1972*, notwithstanding that the damage occurred prior to the coming into force of this Act. Transitional provision

9. *The Wolf Damage to Live Stock Compensation Act, 1972*, being chapter 145, is repealed. Repeal

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

11. This Act may be cited as *The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1974*. Short title

An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act

1st Reading

November 14th, 1974

2nd Reading

December 3rd, 1974

3rd Reading

December 9th, 1974

THE HON. W. A. STEWART
Minister of Agriculture and Food

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Government
Publications

BILL 144

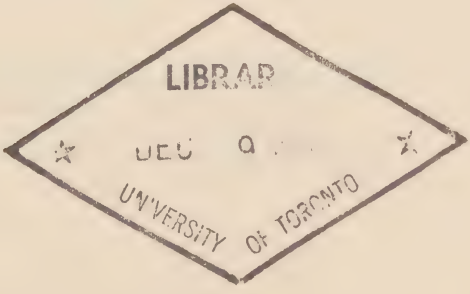
Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The Municipal Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

The Bill is designed to clarify the status of employees of municipalities and local boards thereof in respect of their eligibility to be elected and to hold office as a member of a municipal council.

Section 1.—Subsection 1. Employees of a municipality or one of its local boards are disqualified from being elected to or sitting on the council of that municipality unless they have first obtained leave of absence from their employment. In regional, district and metropolitan municipalities that disqualification is extended to cover the council of any other municipality that is included in the regional, district or metropolitan area. The new subsection 2*a* will place counties that have been re-organized along the lines of the County of Oxford in the same category. Elections have been held in 1974 in Oxford County and the new subsection 2*b* permits persons validly elected to continue to hold office for the balance of their term notwithstanding the effect of the new subsection 2*a* might otherwise be to render them ineligible to hold office on the council to which they were elected.

Subsection 2. Employees of school boards and certain other municipal employees are exempt from the disqualification mentioned in the explanatory note to subsection 1. The amendments are designed to make it abundantly clear that such employees need not obtain leave of absence to run for municipal office and, if elected, need not resign from their employment.

BILL 144 **1974**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 36 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1 and amended by 1973, chapter 83, section 2, is further amended by adding thereto the following subsections: s. 36, amended

(2*a*) For the purposes of subsection 2, a county that has been restructured to provide that it is composed of area municipalities shall be deemed to be a regional municipality. Restructured county deemed regional municipality

(2*b*) Where any person is elected to a council in the year 1974, and section 36 as it existed on the day of such election did not render such person ineligible to be elected to the council, or to hold office as a member of such council, subsection 2*a* does not have the effect of rendering such person ineligible to hold office as a member of such council during the term of office for which he was elected in 1974. Application of R.S.O. 1970, c. 284, s. 36

(2) Subsections 3 and 4 of the said section 36 are repealed and the following substituted therefor: s. 36 (3, 4), re-enacted

(3) Any employee of a municipality or a local board thereof other than a school board and other than a commissioner, superintendent or overseer of any work whose appointment is authorized under section 393 who proposes to be a candidate to hold office as a member of the council of that municipality or the council of a municipality in the circumstances to which subsection 2 applies shall apply to the council of the municipality or to the local board, as the case may be, of which he is a employee for leave of absence without pay for a period, Leave of absence

(*a*) not longer than that commencing thirty days before the beginning of the period during which

1972, c. 95

candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day; and

(*b*) not shorter than that commencing on the last day of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day,

and every such application shall be granted.

Resignation

(4) Where an employee of a municipality or a local board thereof other than a school board and other than a commissioner, superintendent or overseer of any work whose appointment is authorized under section 393 who is a candidate for office as a member of the council of that municipality or the council of a municipality in the circumstances to which subsection 2 applies under a leave of absence granted under subsection 3 is elected he shall forthwith resign his position as such employee.

Commencement

2.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 1 shall be deemed to have come into force on the 17th day of January, 1973.

Short title

3. This Act may be cited as *The Municipal Amendment Act, 1974 (No. 2)*.

BILL 144

An Act to amend
The Municipal Act

1st Reading

November 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

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Government
Publications

BILL 144

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Legislative Assembly
Public

An Act to amend The Municipal Act

The Hon. J. White
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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BILL 144 **1974**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 36 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1 and amended by 1973, chapter 83, section 2, is further amended by adding thereto the following subsections: s. 36, amended

(2*a*) For the purposes of subsection 2, a county that has been restructured to provide that it is composed of area municipalities shall be deemed to be a regional municipality. Restructured county deemed regional municipality

(2*b*) Where any person is elected to a council in the year 1974, and section 36 as it existed on the day of such election did not render such person ineligible to be elected to the council, or to hold office as a member of such council, subsection 2*a* does not have the effect of rendering such person ineligible to hold office as a member of such council during the term of office for which he was elected in 1974. Application of R.S.O. 1970, c. 284, s. 36

(2) Subsections 3 and 4 of the said section 36 are repealed and the following substituted therefor: s. 36 (3, 4), re-enacted

(3) Any employee of a municipality or a local board thereof other than a school board and other than a commissioner, superintendent or overseer of any work whose appointment is authorized under section 393 who proposes to be a candidate to hold office as a member of the council of that municipality or the council of a municipality in the circumstances to which subsection 2 applies shall apply to the council of the municipality or to the local board, as the case may be, of which he is a employee for leave of absence without pay for a period, Leave of absence

(*a*) not longer than that commencing thirty days before the beginning of the period during which

1972, c. 95

candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day; and

(*b*) not shorter than that commencing on the last day of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day,

and every such application shall be granted.

Resignation

(4) Where an employee of a municipality or a local board thereof other than a school board and other than a commissioner, superintendent or overseer of any work whose appointment is authorized under section 393 who is a candidate for office as a member of the council of that municipality or the council of a municipality in the circumstances to which subsection 2 applies under a leave of absence granted under subsection 3 is elected he shall forthwith resign his position as such employee.

Commencement

2.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 1 shall be deemed to have come into force on the 17th day of January, 1973.

Short title

3. This Act may be cited as *The Municipal Amendment Act, 1974 (No. 2)*.

An Act to amend
The Municipal Act

1st Reading

November 14th, 1974

2nd Reading

November 26th, 1974

3rd Reading

November 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

1974

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Publications

BILL 145 **Government Bill**

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Ontario. Legislative Assembly

An Act to amend The Health Insurance Act, 1972

The Hon. F. S. Miller
Minister of Health

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Explanatory Notes

Section 1. Section 22 of the Act sets out duties of the General Manager of the Ontario Health Insurance Plan in respect of claims for payment for insured services. Subsections 2 and 3 of the section provide that the Medical Review Committee or a practitioner review committee may recommend that the General Manager pay or refuse or reduce payment of an amount claimed and that, subject to the sections of the Act that provide for a hearing and an appeal, the General Manager shall carry out the recommendation.

The effect of the amendment is that a recommendation under subsection 2 or 3 of section 22 of the Act is effective immediately but is subject to change by a decision or order of the Appeal Board or the Supreme Court.

Section 2.—Subsection 1 of section 44 of the Act provides for the maintaining of certain information as confidential.

Subsection 2 of the section provides exceptions to the general statement and clause *e* is re-enacted for the purpose of clarification.

Section 3. Self-explanatory.

Section 4. Section 51 of the Act provides for the making of regulations by the Lieutenant Governor in Council. Clause *j* of the section provides for the making of regulations prescribing amounts payable by the Plan for insured services.

The amendment provides that a regulation may adopt by reference in whole or in part, with any changes the Lieutenant Governor in Council considers necessary, the fees in any schedule of fees as prescribed amounts payable in whole or in part, by the Plan.

BILL 145 **1974**

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Health Insurance Act, 1972*, being chapter 91, as amended by the Statutes of Ontario, 1974, chapter 60, section 5, is further amended by adding thereto the following subsection: s. 22, amended

(5) Where a hearing is required or an appeal is taken pursuant to sections 24 to 28, the General Manager shall carry out the recommendations of the Medical Review Committee or of a practitioner review committee made pursuant to subsection 2 or 3 pending the decision or order of the Appeal Board or the Supreme Court. Where hearing required or appeal taken

2. Clause *e* of subsection 2 of section 44 of the said Act is repealed and the following substituted therefor: s. 44 (2) (*e*), re-enacted

(*e*) pursuant to a subpoena by a court of competent jurisdiction.

3. Section 49 of the said Act is amended by adding thereto the following subsection: s. 49, amended

(3) No person shall knowingly give false information in an application, return or statement made to the Plan or to the General Manager in respect of any matter under this Act or the regulations. False information

4. Section 51 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 12, is further amended by adding thereto the following subsection: s. 51, amended

(2) A regulation may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Adoption of schedules of fees

Council considers necessary, the fees in any schedule of fees as prescribed amounts payable in whole or in part, by the Plan.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Health Insurance Amendment Act, 1974 (No. 2)*.

BILL 145

An Act to amend
The Health Insurance Act, 1972

1st Reading

November 14th, 1974

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(*Government Bill*)

1974

Ontario. Legislative Assembly **BILL 145**

Government Publications

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4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Health Insurance Act, 1972

The Hon. F. S. Miller
Minister of Health



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

BILL 145 **1974**

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Health Insurance Act, 1972*, being chapter 91, as amended by the Statutes of Ontario, 1974, chapter 60, section 5, is further amended by adding thereto the following subsection: s. 22, amended

(5) Where a hearing is required or an appeal is taken pursuant to sections 24 to 28, the General Manager shall carry out the recommendations of the Medical Review Committee or of a practitioner review committee made pursuant to subsection 2 or 3 pending the decision or order of the Appeal Board or the Supreme Court. Where hearing required or appeal taken

2. Clause *e* of subsection 2 of section 44 of the said Act is repealed and the following substituted therefor: s. 44 (2) (*e*), re-enacted

(*e*) pursuant to a subpoena by a court of competent jurisdiction.

3. Section 49 of the said Act is amended by adding thereto the following subsection: s. 49, amended

(3) No person shall knowingly give false information in an application, return or statement made to the Plan or to the General Manager in respect of any matter under this Act or the regulations. False information

4. Section 51 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 12, is further amended by adding thereto the following subsection: s. 51, amended

(2) A regulation may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Adoption of schedules of fees

Council considers necessary, the fees in any schedule of fees as prescribed amounts payable in whole or in part, by the Plan.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Health Insurance Amendment Act, 1974 (No. 2)*.

BILL 145

An Act to amend
The Health Insurance Act, 1972

1st Reading

November 14th, 1974

2nd Reading

November 19th, 1974

3rd Reading

November 19th, 1974

THE HON. F. S. MILLER
Minister of Health

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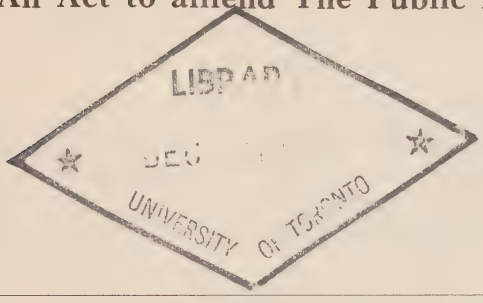
BILL 146 Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government Publications

Ontario. Legislative Assembly

An Act to amend The Public Health Act



THE HON. F. S. MILLER
Minister of Health

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. The subsection provides for an order by a provincial judge authorizing an inspector, public health inspector, medical officer of health, acting medical officer of health or associate medical officer of health to enter in or on any premises where there is reasonable ground for believing that it is necessary for the administration of the Act or the regulations. The subsection is re-enacted to add that the order of the provincial judge may provide that the inspector or other such officer may enter together with such police officer or officers as he calls upon to assist him and to enter and inspect, if necessary, by force. The amendment is complementary to the repeal of section 117 of the Act by this Bill.

Section 2. The present section 42 of the Act provides protection from liability only for a medical officer of health.

BILL 146 **1974**

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2*b* of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 61, section 2, is repealed and the following substituted therefor: s. 2*b* (2), re-enacted

Order authorizing entry

(2) Where a provincial judge is satisfied, upon an *ex parte* application by an inspector, public health inspector, medical officer of health, acting medical officer of health or associate medical officer of health, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the administration of this Act or the regulations, the provincial judge may, whether or not an inspection, examination, investigation or inquiry has been made or attempted under any other section or subsection, issue an order authorizing an inspector or other such officer, together with such police officer or officers as he calls upon to assist him and if necessary by force, to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries as may be necessary for the administration of this Act and the regulations and to make, take and remove or require to be made, taken or removed such samples, copies or extracts as may be related to the examinations, investigations and inquiries, but every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the provincial judge authorizes the inspector, or other such officer, by the order, to so act at night.

2. Section 42 of the said Act is repealed and the following substituted therefor: s. 42, re-enacted

Protection from liability of medical officers and public health inspectors

42.—(1) No action or other proceeding shall be instituted against a medical officer of health, acting medical officer of health, associate medical officer of health or public health inspector for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Local board of health not relieved of liability

(2) Subsection 1 does not relieve a local board of health of liability in respect of a tort committed by a person referred to in subsection 1 and a local board of health is liable for any such tort in a like manner as if subsection 1 had not been enacted.

s. 45*i*, repealed

3. Section 45*i* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed.

s. 87*a*, amended

4. Section 87*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 61, section 11, is amended by adding thereto the following subsection:

Time for hearing

4*a*. The Board shall hold a hearing under this section within fifteen days after receipt by the Board of the notice in writing requiring the hearing and the Board may, from time to time, at the request or with the consent of the person requiring the hearing, extend the time for holding the hearing for such period or periods of time as the Board considers just.

s. 87*d*, repealed

5. Section 87*d* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 61, section 11, is repealed.

s. 101 (1), amended

6. Subsection 1 of section 101 of the said Act is amended by striking out "at any time of the day or night, as often as he thinks necessary" in the second and third lines and inserting in lieu thereof "at any reasonable time".

s. 102, amended

7. Section 102 of the said Act is amended by adding thereto the following subsection:

Application of sections 87 to 87*c*

(2) The provisions of subsections 2 and 3 of section 87 and sections 87*a*, 87*b* and 87*c* apply *mutatis mutandis* where an order is made under subsection 1.

s. 103 (3), re-enacted

8. Subsection 3 of section 103 of the said Act is repealed and the following substituted therefor:

Service of copy of order and notice of prohibition or regulation

(3) A copy of an order made under subsection 1 and a notice of a prohibition or regulation under subsection 1 or 2 shall be served upon the owner or the person in charge of the building, land or premises in respect of which the order, prohibition or regulation is made.

SECTION 3. The section provides for service of notices required by sections 45 to 45*n* of the Act. The repeal is complementary to the re-enactment of section 138 of the Act by this Bill.

SECTION 4. Section 87*a* of the Act provides for a hearing before the Health Facilities Appeal Board from an order closing premises. New subsection 4*a* requires the Board to hold a hearing within fifteen days after receipt of the notice in writing requiring the hearing.

SECTION 5. The section provides for service of notices required by sections 87 to 87*c* of the Act. The repeal is complementary to the re-enactment of section 138 of the Act by this Bill.

SECTION 6. Section 101 provides for the examination of lodging houses, tenements and laundries by a medical officer of health or public health inspector.

The amendment relates to the time when entry may be made.

SECTION 7. Section 102 of the Act provides for placarding and closing premises by order of a medical officer of health.

The amendment provides for a hearing by the Health Facilities Appeal Board and an appeal to the Supreme Court in the same manner as upon the making of an order closing premises under section 87 of the Act.

Service of orders and notices is provided for in section 138 of the Act as re-enacted in this Bill.

SECTION 8. Subsections 1 and 2 of section 103 of the Act provide for inspection of dairies, cheese factories, creameries, dairy farms, slaughterhouses and other lands or premises. The subsections also provide that medical officers of health may order the owner or occupant of any such building, land or premises to remedy any matter or thing that may endanger the public health and, until the matter or thing is remedied, to prohibit or regulate the distribution, delivery, sale or offering for sale of products from such building, land or premises.

Subsection 3 of section 103 of the Act provides for an appeal from such an order, prohibition or regulation to the Minister. The amendment provides for a hearing by the Health Facilities Appeal Board and an appeal to the Supreme Court in the same manner as upon the making of an order closing premises under section 87 of the Act, except that subsection 3 of section 87*a* of the Act, which states that an order is effective at and from the time it is served, will apply to a prohibition or regulation of distribution, delivery, sale or offering for sale but not to an order to remedy a matter or thing.

Service of an order or notice is provided for in section 138 of the Act as re-enacted in this Bill.

SECTION 9. The section authorizes the use of force and the assistance of a constable by a local board of health, a member of a local board, a medical officer of health or a public health inspector. The repeal is complementary to the re-enactment of subsection 2 of section 2*b* of the Act by this Bill.

SECTION 10. Section 138 of the Act provides that no action related to the carrying out of the Act shall be set aside for want of form or be reviewed in the Supreme Court.

The new section 138 is a general provision for the service of orders or notices under this Act.

(3*a*) The provisions of subsections 2 and 3 of section 87, subsections 1, 2, 4 and 5 of section 87*a* and sections 87*b* and 87*c* apply *mutatis mutandis* where an order, prohibition or regulation is made under subsection 1 or 2, and the provisions of subsection 3 of section 87*a* apply *mutatis mutandis* where such a prohibition or regulation is made. Application of sections 87 to 87*c*

9. Section 117 of the said Act is repealed. s. 117, repealed

10. Section 138 of the said Act is repealed and the following substituted therefor: s. 138, re-enacted

138. Notwithstanding any other provision of this Act, any order or notice required under this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the seventh day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date. Service of orders or notices

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. This Act may be cited as *The Public Health Amendment Act, 1974* (*No. 2*). Short title

An Act to amend
The Public Health Act

1st Reading

November 14th, 1974

2nd Reading

November 19th, 1974

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(*Reprinted as amended by the Committee of the Whole House*)

1974

Ontario. Legislative Assembly

Government Publications

BILL 146

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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Public Health Act

THE HON. F. S. MILLER
Minister of Health



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 146 **1974**

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2*b* of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 61, section 2, is repealed and the following substituted therefor: s. 2*b* (2), re-enacted

(2) Where a provincial judge is satisfied, upon an *ex parte* application by an inspector, public health inspector, medical officer of health, acting medical officer of health or associate medical officer of health, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the administration of this Act or the regulations, the provincial judge may, whether or not an inspection, examination, investigation or inquiry has been made or attempted under any other section or subsection, issue an order authorizing an inspector or other such officer, together with such police officer or officers as he calls upon to assist him and if necessary by force, to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries as may be necessary for the administration of this Act and the regulations and to make, take and remove or require to be made, taken or removed such samples, copies or extracts as may be related to the examinations, investigations and inquiries, but every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the provincial judge authorizes the inspector, or other such officer, by the order, to so act at night. Order authorizing entry

2. Section 42 of the said Act is repealed and the following substituted therefor: s. 42, re-enacted

Protection from liability of medical officers and public health inspectors

42.—(1) No action or other proceeding shall be instituted against a medical officer of health, acting medical officer of health, associate medical officer of health or public health inspector for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Local board of health not relieved of liability

(2) Subsection 1 does not relieve a local board of health of liability in respect of a tort committed by a person referred to in subsection 1 and a local board of health is liable for any such tort in a like manner as if subsection 1 had not been enacted.

s. 45*i*, repealed

3. Section 45*i* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed.

s. 87*a*, amended

4. Section 87*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 61, section 11, is amended by adding thereto the following subsection:

Time for hearing

4*a*. The Board shall hold a hearing under this section within fifteen days after receipt by the Board of the notice in writing requiring the hearing and the Board may, from time to time, at the request or with the consent of the person requiring the hearing, extend the time for holding the hearing for such period or periods of time as the Board considers just.

s. 87*d*, repealed

5. Section 87*d* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 61, section 11, is repealed.

s. 101 (1), amended

6. Subsection 1 of section 101 of the said Act is amended by striking out "at any time of the day or night, as often as he thinks necessary" in the second and third lines and inserting in lieu thereof "at any reasonable time".

s. 102, amended

7. Section 102 of the said Act is amended by adding thereto the following subsection:

Application of sections 87 to 87*c*

(2) The provisions of subsections 2 and 3 of section 87 and sections 87*a*, 87*b* and 87*c* apply *mutatis mutandis* where an order is made under subsection 1.

s. 103 (3), re-enacted

8. Subsection 3 of section 103 of the said Act is repealed and the following substituted therefor:

Service of copy of order and notice of prohibition or regulation

(3) A copy of an order made under subsection 1 and a notice of a prohibition or regulation under subsection 1 or 2 shall be served upon the owner or the person in charge of the building, land or premises in respect of which the order, prohibition or regulation is made.

(3*a*) The provisions of subsections 2 and 3 of section 87, subsections 1, 2, 4 and 5 of section 87*a* and sections 87*b* and 87*c* apply *mutatis mutandis* where an order, prohibition or regulation is made under subsection 1 or 2, and the provisions of subsection 3 of section 87*a* apply *mutatis mutandis* where such a prohibition or regulation is made. Application of sections 87 to 87*c*

9. Section 117 of the said Act is repealed. s. 117, repealed

10. Section 138 of the said Act is repealed and the following substituted therefor: s. 138, re-enacted

138. Notwithstanding any other provision of this Act, any order or notice required under this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the seventh day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date. Service of orders or notices

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. This Act may be cited as *The Public Health Amendment Act, 1974* (*No. 2*). Short title

BILL 146

An Act to amend
The Public Health Act

1st Reading

November 14th, 1974

2nd Reading

November 19th, 1974

3rd Reading

November 19th, 1974

THE HON. F. S. MILLER
Minister of Health

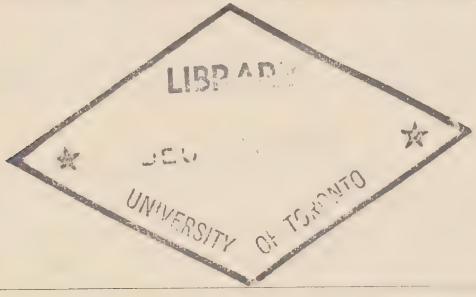
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government Publications

Ontario. Legislative Assembly

An Act to amend The Condominium Act



MR. LEWIS

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to ensure that no presently occupied building is converted into condominium units without the approval of the municipality in which the building is situate.

BILL 147 **1974**

An Act to amend The Condominium Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 2*a*, enacted

2*a*.—(1) No declaration or description of a property shall be registered pursuant to this Act where the buildings are occupied and it is proposed that this Act shall apply to such buildings unless the council of the municipality in which the buildings are situate passes a by-law approving the proposal that this Act should apply to such buildings. Municipality to approve conversion of occupied buildings by by-law

(2) The council of a municipality may by by-law approve, refuse to approve or approve subject to such terms and conditions as it may consider appropriate any proposal that this Act shall apply to any buildings. Council may pass by-laws

(3) Before the council of a municipality passes a by-law under subsection 2, it shall hold a hearing open to the public in order to consider, Matters to be considered by council

(*a*) whether or not there is, or should be, a priority of rental accommodation over privately owned housing in the area where the building or buildings are situate;

(*b*) the proposals of the owner or developer for the relocation of the persons occupying the building or buildings;

(*c*) the life expectancy of the building or buildings;

(*d*) the projected increases in maintenance costs due to the condition of the building or buildings;

(*e*) compliance with the applicable by-laws of the municipality;

(*f*) any matters that in its opinion are necessary to properly assess the issue.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Condominium Amendment Act, 1974*.

An Act to amend
The Condominium Act

1st Reading

November 15th, 1974

2nd Reading

3rd Reading

MR. LEWIS

(*Private Member's Bill*)

1974

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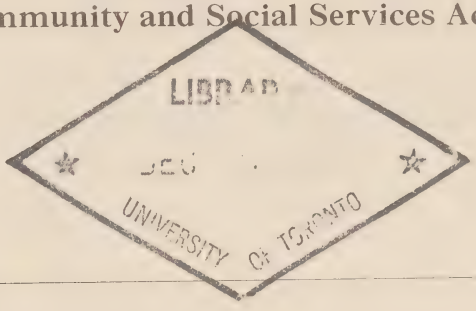
BILL 148

Government Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Ontario. Legislative Assembly

An Act to amend The Ministry of Community and Social Services Act



The Hon. R. Brunelle
Minister of Community and Social Services

TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Notes

Section 1. Consistent with section 6 of the Bill.

Section 2. The purpose of the amendment is to provide qualified immunity from civil suit for employees of the Ministry.

BILL 148 **1974**

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: s. 1, amended

(*a*) "Board of Review" means the Social Assistance Review Board referred to in section 7*b*;

. . . . .

(*c*) "regulations" means the regulations made under this Act.

2. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 56, section 1, is amended by adding thereto the following subsections: s. 4, amended

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any other officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in good faith of his duty. Protection from personal liability

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted. Liability of Crown R.S.O. 1970, c. 365

s. 4*a*, enacted

3. The said Act is amended by adding thereto the following section:

Delegation by Minister

4*a*. Where, under this or any other Act, a power is conferred or a duty is imposed upon the Minister or upon another officer or an employee of the Ministry, such power or duty may be exercised and discharged by any other person or class of persons whom the Minister appoints in writing, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his appointment.

s. 6*b* (*c*), re-enacted

4. Clause *c* of section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is repealed and the following substituted therefor:

(*c*) authorizing,

(i) the council of a municipality or the council of the band to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities or the councils of two or more bands to appoint a joint recreation committee with the approval of the Minister,

(ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,

(iii) joint recreation committees or recreation committees in municipalities or on reserves to appoint area recreation committees and area recreation directors,

(iv) two or more municipalities or bands to enter into agreements,

(v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and

(vi) where territory without municipal organization is within the jurisdiction of two boards, such boards to appoint, with the approval of the Minister, a joint recreation committee for such territory without municipal organization as may be agreed upon by the two boards,

SECTION 3. The amendment would authorize delegation of powers and duties pursuant to a written appointment by the Minister.

SECTION 4. This clause is re-enacted to,

(*a*) give Indian bands authority to establish recreation committees; and

(*b*) broaden the authority to establish joint recreation committees.

SECTION 5. The amendment is to clarify that items such as food, clothing or prosthetic devices may be included in purchase of service arrangements entered into by the Ministry.

SECTION 6. The new sections 7*b* and 7*c* transfer the establishing authority for the existing Family Benefits Board of Review from *The Family Benefits Act* into this Act. The new Board is to be called the Social Assistance Board of Review.

for the purposes of programs of recreation, and, for the purposes of this clause, "band", "council of the band", and "reserve" have the same meaning as in the *Indian Act* (Canada) and "board" means a board as defined in *The Schools Administration Act*. R.S.C. 1970, c. I-6 R.S.O. 1970, c. 424

5. Section 6*e* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 149, section 2, is amended by inserting after "including" in the fourth line "items". s. 6*e*, amended

6. The said Act is further amended by adding thereto the following sections: ss. 7*b*-7*d*, enacted

7*b*.—(1) The Board of Review established under *The Family Benefits Act* is continued under the name of the Social Assistance Review Board and shall conduct such hearings and perform such duties as are assigned to it by or under this or any other Act. Board of Review

(2) The Board of Review shall be composed of not more than such number of members as is prescribed by the regulations who shall be appointed by the Lieutenant Governor in Council. Members of Board

(3) One of the members of the Board of Review shall be appointed by the Lieutenant Governor in Council to be chairman of the Board of Review and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairmen of the Board. Chairman and vice-chairmen

(4) The members of the Board of Review shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

(5) Each member of the Board of Review shall hold office for three years. Term of office

(6) The chairman of the Board of Review may authorize one or more members of the Board to conduct a hearing and such member or members has or have all the powers of the Board for the purpose of such hearing and any decision of such member or members shall be a decision of the Board. One or more members may conduct hearing

(7) Such officers, clerks and servants as are from time to time considered necessary by the Lieutenant Governor in Council for the proper conduct of the business of the Board of Review may be appointed under *The Public Service Act*. Staff R.S.O. 1970, c. 386

Sittings

(8) Sittings of the Board of Review may be held at such places in Ontario and at such times as the Board considers most convenient for the proper discharge and speedy dispatch of its business.

Vice-chairman

(9) Where,

(*a*) the chairman of the Board of Review is absent or is unable to act, a vice-chairman designated by the chairman; or

(*b*) the office of the chairman of the Board of Review is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman including the power to complete any unfinished matter.

Members to continue
R.S.O. 1970, c. 157

(10) The members, chairman and vice-chairman of the Board of Review who were appointed under section 11 of *The Family Benefits Act* and who were in office immediately before this Act comes into force shall continue in office and shall be deemed to be the members referred to in subsection 2, and the chairman and vice-chairman referred to in subsection 3, respectively, until the expiration of the respective terms for which they were appointed or until the respective office of each becomes vacant.

Hearings *in camera*
1971, c. 47

7*c*.—(1) Notwithstanding *The Statutory Powers Procedure Act, 1971*, all hearings of the Board of Review shall be heard *in camera*.

Members holding hearing not to have taken part in prior consideration of matter

(2) Subject to subsection 3, members of the Board of Review holding a hearing,

(*a*) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and

(*b*) shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

Legal advice

(3) The Board of Review may seek legal advice from an adviser independent from the parties, and members of the Board may at any time consult with other members of the Board.

(4) The oral evidence taken before the Board of Review at a hearing shall be recorded, Recording of evidence

(*a*) by notes taken by or under the supervision of the member or members of the Board conducting the hearing; or

(*b*) in such other manner as such member or members may direct, in which case copies or a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

(5) The findings of fact of the Board of Review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(6) No member of the Board of Review shall make any decision of the Board pursuant to a hearing under this section unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present take part in the decision. Only members at hearing to participate in decision

(7) Where a request for a hearing has been made and the Board of Review is satisfied that there may be financial hardship to a party or witness attending the hearing, the Board may pay the party or witness travelling and living expenses necessary to enable his attendance at the hearing of the Board. Financial hardship

7*d*. The Lieutenant Governor in Council may make regulations designating the number of members of the Board of Review and prescribing its procedures. Regulations

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1974*. Short title

BILL 148

An Act to amend
The Ministry of Community and
Social Services

1st Reading

November 15th, 1974

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(*Government Bill*)

1974

Ontario. Legislative Assembly
Publications
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BILL 148

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974



An Act to amend The Ministry of Community and Social Services Act

THE HON. R. BRUNELLE
Minister of Community and Social Services

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



Explanatory Notes

Section 1. Consistent with section 6 of the Bill.

Section 2. The purpose of the amendment is to provide qualified immunity from civil suit for employees of the Ministry.

BILL 148 **1974**

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: s. 1, amended

(*a*) "Board of Review" means the Social Assistance Review Board referred to in section 7*b*;

. . . . .

(*c*) "regulations" means the regulations made under this Act.

2. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 56, section 1, is amended by adding thereto the following subsections: s. 4, amended

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any other officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in good faith of his duty. Protection from personal liability

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted. Liability of Crown R.S.O. 1970, c. 365

s. 4a, enacted

3. The said Act is amended by adding thereto the following section:

Delegation by Minister

4*a*. Where, under this or any other Act, a power is conferred or a duty is imposed upon the Minister or upon another officer or an employee of the Ministry, such power or duty may be exercised and discharged by any other person or class of persons whom the Minister appoints in writing, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his appointment.

s. 6*b*, re-enacted

4. Clause *c* of section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is repealed and the following substituted therefor:

(*c*) authorizing,

(i) the council of a municipality or the council of the band to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities or the councils of two or more bands or the council of one or more municipalities and bands to appoint a joint recreation committee with the approval of the Minister,

(ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,

(iii) joint recreation committees or recreation committees in municipalities or on reserves to appoint area recreation committees and area recreation directors,

(iv) two or more municipalities or bands to enter into agreements,

(v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and

(vi) where territory without municipal organization is within the jurisdiction of two boards, such boards or a board and the council of one or more bands to appoint, with the approval of the Minister, a joint recreation

SECTION 3. The amendment would authorize delegation of powers and duties pursuant to a written appointment by the Minister.

SECTION 4. This clause is re-enacted to

(*a*) give Indian bands authority to establish recreation committees; and

(*b*) broaden the authority to establish joint recreation committees.

SECTION 5. The amendment is to clarify that items such as food, clothing or prosthetic devices may be included in purchase of service arrangements entered into by the Ministry.

SECTION 6. The new sections 7*b* and 7*c* transfer the establishing authority for the existing Family Benefits Board of Review from *The Family Benefits Act* into this Act. The new Board is to be called the Social Assistance Board of Review.

committee for such territory without municipal organization as may be agreed upon by the two boards or a board and the council of one or more bands, as the case may be,

for the purposes of programs of recreation, and, for the purposes of this clause, "band", "council of the band", and "reserve" have the same meaning as in the *Indian Act* (Canada) and "board" means a board as defined in *The Schools Administration Act*. R.S.C. 1970, c. I-6 R.S.O. 1970, c. 424

5. Section 6*e* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 149, section 2, is amended by inserting after "including" in the fourth line "items". s. 6*e*, amended

6. The said Act is further amended by adding thereto the following sections: ss. 7*b*-7*d*, enacted

7*b*.—(1) The Board of Review established under *The Family Benefits Act* is continued under the name of the Social Assistance Review Board and shall conduct such hearings and perform such duties as are assigned to it by or under this or any other Act. Board of Review

(2) The Board of Review shall be composed of not more than such number of members as is prescribed by the regulations who shall be appointed by the Lieutenant Governor in Council. Members of Board

(3) One of the members of the Board of Review shall be appointed by the Lieutenant Governor in Council to be chairman of the Board of Review and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairmen of the Board. Chairman and vice-chairmen

(4) The members of the Board of Review shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

(5) Each member of the Board of Review shall hold office for three years. Term of office

(6) The chairman of the Board of Review may authorize one or more members of the Board to conduct a hearing and such member or members has or have all the powers of the Board for the purpose of such hearing and any decision of such member or members shall be a decision of the Board. One or more members may conduct hearing

Staff

(7) Such officers, clerks and servants as are from time to time considered necessary by the Lieutenant Governor in Council for the proper conduct of the business of the Board of Review may be appointed under *The Public Service Act*.

R.S.O. 1970, c. 386

Sittings

(8) Sittings of the Board of Review may be held at such places in Ontario and at such times as the Board considers most convenient for the proper discharge and speedy dispatch of its business.

Vice-chairman

(9) Where,

(*a*) the chairman of the Board of Review is absent or is unable to act, a vice-chairman designated by the chairman; or

(*b*) the office of the chairman of the Board of Review is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman including the power to complete any unfinished matter.

Members to continue

R.S.O. 1970, c. 157

(10) The members, chairman and vice-chairman of the Board of Review who were appointed under section 11 of *The Family Benefits Act* and who were in office immediately before this Act comes into force shall continue in office and shall be deemed to be the members referred to in subsection 2, and the chairman and vice-chairman referred to in subsection 3, respectively, until the expiration of the respective terms for which they were appointed or until the respective office of each becomes vacant.

Hearings *in camera* 1971, c. 47

7*c*.—(1) Notwithstanding *The Statutory Powers Procedure Act, 1971*, all hearings of the Board of Review shall be heard *in camera*.

Members holding hearing not to have taken part in prior consideration of matter

(2) Subject to subsection 3, members of the Board of Review holding a hearing,

(*a*) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and

(*b*) shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

(3) The Board of Review may seek legal advice from an adviser independent from the parties, and members of the Board may at any time consult with other members of the Board. Legal advice

(4) The oral evidence taken before the Board of Review at a hearing shall be recorded, Recording of evidence

(*a*) by notes taken by or under the supervision of the member or members of the Board conducting the hearing; or

(*b*) in such other manner as such member or members may direct, in which case copies or a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

(5) The findings of fact of the Board of Review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(6) No member of the Board of Review shall make any decision of the Board pursuant to a hearing under this section unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present take part in the decision. Only members at hearing to participate in decision

(7) Where a request for a hearing has been made and the Board of Review is satisfied that there may be financial hardship to a party or witness attending the hearing, the Board shall pay the party or witness travelling and living expenses necessary to enable his attendance at the hearing of the Board. Financial hardship

7*d*. The Lieutenant Governor in Council may make regulations designating the number of members of the Board of Review and prescribing its procedures. Regulations

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1974*. Short title

BILL 148

An Act to amend
The Ministry of Community and
Social Services Act

1st Reading

November 15th, 1974

2nd Reading

December 2nd, 1974

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Reprinted as amended by the Committee of the Whole House)

1974

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Government
Publications

BILL 148

Government Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Ministry of Community and Social Services Act

The Hon. R. Brunelle
Minister of Community and Social Services



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario



BILL 148 **1974**

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: s. 1, amended

(*a*) "Board of Review" means the Social Assistance Review Board referred to in section 7*b*;

. . . . .

(*c*) "regulations" means the regulations made under this Act.

2. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 56, section 1, is amended by adding thereto the following subsections: s. 4, amended

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any other officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in good faith of his duty. Protection from personal liability

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted. Liability of Crown R.S.O. 1970, c. 365

s. 4*a*, enacted

3. The said Act is amended by adding thereto the following section:

Delegation by Minister

4*a*. Where, under this or any other Act, a power is conferred or a duty is imposed upon the Minister or upon another officer or an employee of the Ministry, such power or duty may be exercised and discharged by any other person or class of persons whom the Minister appoints in writing, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his appointment.

s. 6*b* (*c*), re-enacted

4. Clause *c* of section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is repealed and the following substituted therefor:

(*c*) authorizing,

(i) the council of a municipality or the council of the band to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities or the councils of two or more bands or the council of one or more municipalities and bands to appoint a joint recreation committee with the approval of the Minister,

(ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,

(iii) joint recreation committees or recreation committees in municipalities or on reserves to appoint area recreation committees and area recreation directors,

(iv) two or more municipalities or bands to enter into agreements,

(v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and

(vi) where territory without municipal organization is within the jurisdiction of two boards, such boards or a board and the council of one or more bands to appoint, with the approval of the Minister, a joint recreation

committee for such territory without municipal organization as may be agreed upon by the two boards or a board and the council of one or more bands, as the case may be,

for the purposes of programs of recreation, and, for the purposes of this clause, "band", "council of the band", and "reserve" have the same meaning as in the *Indian Act* (Canada) and "board" means a board as defined in *The Schools Administration Act*. R.S.C. 1970, c. I-6 R.S.O. 1970, c. 424

5. Section 6*e* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 149, section 2, is amended by inserting after "including" in the fourth line "items". s. 6*e*, amended

6. The said Act is further amended by adding thereto the following sections: ss. 7*b*-7*d*, enacted

7*b*.—(1) The Board of Review established under *The Family Benefits Act* is continued under the name of the Social Assistance Review Board and shall conduct such hearings and perform such duties as are assigned to it by or under this or any other Act. Board of Review

(2) The Board of Review shall be composed of not more than such number of members as is prescribed by the regulations who shall be appointed by the Lieutenant Governor in Council. Members of Board

(3) One of the members of the Board of Review shall be appointed by the Lieutenant Governor in Council to be chairman of the Board of Review and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairmen of the Board. Chairman and vice-chairmen

(4) The members of the Board of Review shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

(5) Each member of the Board of Review shall hold office for three years. Term of office

(6) The chairman of the Board of Review may authorize one or more members of the Board to conduct a hearing and such member or members has or have all the powers of the Board for the purpose of such hearing and any decision of such member or members shall be a decision of the Board. One or more members may conduct hearing

Staff

(7) Such officers, clerks and servants as are from time to time considered necessary by the Lieutenant Governor in Council for the proper conduct of the business of the Board of Review may be appointed under *The Public Service Act*.

R.S.O. 1970, c. 386

Sittings

(8) Sittings of the Board of Review may be held at such places in Ontario and at such times as the Board considers most convenient for the proper discharge and speedy dispatch of its business.

Vice-chairman

(9) Where,

(*a*) the chairman of the Board of Review is absent or is unable to act, a vice-chairman designated by the chairman; or

(*b*) the office of the chairman of the Board of Review is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman including the power to complete any unfinished matter.

Members to continue

R.S.O. 1970, c. 157

(10) The members, chairman and vice-chairman of the Board of Review who were appointed under section 11 of *The Family Benefits Act* and who were in office immediately before this Act comes into force shall continue in office and shall be deemed to be the members referred to in subsection 2, and the chairman and vice-chairman referred to in subsection 3, respectively, until the expiration of the respective terms for which they were appointed or until the respective office of each becomes vacant.

Hearings *in camera* 1971, c. 47

7*c*.—(1) Notwithstanding *The Statutory Powers Procedure Act, 1971*, all hearings of the Board of Review shall be heard *in camera*.

Members holding hearing not to have taken part in prior consideration of matter

(2) Subject to subsection 3, members of the Board of Review holding a hearing,

(*a*) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and

(*b*) shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

(3) The Board of Review may seek legal advice from an adviser independent from the parties, and members of the Board may at any time consult with other members of the Board. Legal advice

(4) The oral evidence taken before the Board of Review at a hearing shall be recorded, Recording of evidence

(*a*) by notes taken by or under the supervision of the member or members of the Board conducting the hearing; or

(*b*) in such other manner as such member or members may direct, in which case copies or a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

(5) The findings of fact of the Board of Review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(6) No member of the Board of Review shall make any decision of the Board pursuant to a hearing under this section unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present take part in the decision. Only members at hearing to participate in decision

(7) Where a request for a hearing has been made and the Board of Review is satisfied that there may be financial hardship to a party or witness attending the hearing, the Board shall pay the party or witness travelling and living expenses necessary to enable his attendance at the hearing of the Board. Financial hardship

7*d*. The Lieutenant Governor in Council may make regulations designating the number of members of the Board of Review and prescribing its procedures. Regulations

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1974*. Short title

BILL 148

An Act to amend
The Ministry of Community and
Social Services

1st Reading

November 15th, 1974

2nd Reading

December 2nd, 1974

3rd Reading

December 5th, 1974

THE HON. R. BRUNELLE
Minister of Community and
Social Services

Ontario. Legislative Assembly

BILL 149

Government Bill

CA2ON
XB
-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Government Publications

An Act to amend The General Welfare Assistance Act

The Hon. R. Brunelle
Minister of Community and Social Services



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Note

The amendments correspond to changes in *The Ministry of Community and Social Services Act* whereby the Board of Review is transferred to and continued under that Act as the Social Assistance Review Board.

BILL 149 **1974**

An Act to amend The General Welfare Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 9*a* of *The General Welfare Assistance Act*, being chapter 192 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 44, is amended by renumbering subsection 1 as subsection 1*a* and by adding thereto the following subsection: s. 9*a*, amended

(1) In this section, "board of review" means the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*. Interpretation R.S.O. 1970, c. 120

(2) Subsection 1*a* of the said section 9*a*, as renumbered by subsection 1, is amended by striking out "established under *The Family Benefits Act*" in the seventh and eighth lines. s. 9*a* (1*a*), amended

(3) Subsection 3 of the said section 9*a* is amended by inserting after "*Act*" in the fourth line "and section 7*c* of *The Ministry of Community and Social Services Act*". s. 9*a* (3), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The General Welfare Assistance Amendment Act, 1974*. Short title

BILL 149

An Act to amend
The General Welfare Assistance Act

1st Reading

November 15th, 1974

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(*Government Bill*)

1974

CA2ON
XB
-B56

Government
Publications

BILL 149

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The General Welfare Assistance Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 149 **1974**

An Act to amend The General Welfare Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 9*a* of *The General Welfare Assistance Act*, being chapter 192 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 44, is amended by renumbering subsection 1 as subsection 1*a* and by adding thereto the following subsection: s. 9*a*, amended

(1) In this section, "board of review" means the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*. Interpretation R.S.O. 1970, c. 120

(2) Subsection 1*a* of the said section 9*a*, as renumbered by subsection 1, is amended by striking out "established under *The Family Benefits Act*" in the seventh and eighth lines. s. 9*a* (1*a*), amended

(3) Subsection 3 of the said section 9*a* is amended by inserting after "*Act*" in the fourth line "and section 7*c* of *The Ministry of Community and Social Services Act*". s. 9*a* (3), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The General Welfare Assistance Amendment Act, 1974*. Short title

BILL 149

An Act to amend
The General Welfare Assistance Act

1st Reading

November 15th, 1974

2nd Reading

December 2nd, 1974

3rd Reading

December 2nd, 1974

THE HON. R. BRUNELLE
Minister of Community and
Social Services

1974

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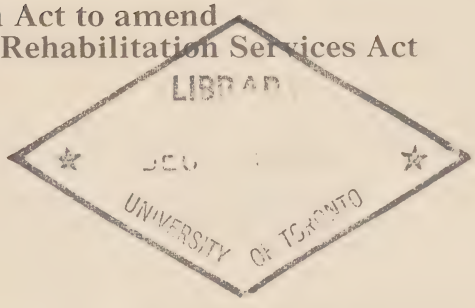
BILL 150 Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government Publications

Ontario. Legislative Assembly

An Act to amend The Vocational Rehabilitation Services Act



THE HON. R. BRUNELLE
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The amendments correspond to changes in *The Ministry of Community and Social Services Act* whereby the Board of Review is transferred to and continued under that Act as the Social Assistance Review Board.

BILL 150 **1974**

An Act to amend The Vocational Rehabilitation Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Vocational Rehabilitation Services Act*, being chapter 484 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 86, is repealed and the following substituted therefor: s. 8, re-enacted

8. Sections 10*c*, 12, 13, 13*a* and 13*c* of *The Family Benefits Act* and section 7*c* of *The Ministry of Community and Social Services Act* apply *mutatis mutandis* to a refusal of an application for, or the reduction, suspension or cancellation of vocational rehabilitation services by the Director, to requests for hearings by, and to hearings, proceedings and powers of the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*, and to appeals therefrom to the Supreme Court, as if vocational rehabilitation services were benefits under *The Family Benefits Act*. Application of R.S.O. 1970, cc. 157, 120

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Vocational Rehabilitation Services Amendment Act, 1974*. Short title

BILL 100

An Act to amend
The Vocational Rehabilitation
Services Act

1st Reading

November 15th, 1974

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(*Government Bill*)

1974

Government Publications

Ontario. Legislative Assembly

BILL 150

CA2ON
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-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Vocational Rehabilitation Services Act

The Hon. R. Brunelle
Minister of Community and Social Services



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

BILL 150 **1974**

An Act to amend The Vocational Rehabilitation Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Vocational Rehabilitation Services Act*, being chapter 484 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 86, is repealed and the following substituted therefor: s. 8, re-enacted

8. Sections 10*c*, 12, 13, 13*a* and 13*c* of *The Family Benefits Act* and section 7*c* of *The Ministry of Community and Social Services Act* apply *mutatis mutandis* to a refusal of an application for, or the reduction, suspension or cancellation of vocational rehabilitation services by the Director, to requests for hearings by, and to hearings, proceedings and powers of the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*, and to appeals therefrom to the Supreme Court, as if vocational rehabilitation services were benefits under *The Family Benefits Act*. Application of R.S.O. 1970, cc. 137, 120

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Vocational Rehabilitation Services Amendment Act, 1974*. Short title

BILL 150

An Act to amend
The Vocational Rehabilitation
Services Act

1st Reading

November 15th, 1974

2nd Reading

December 2nd, 1974

3rd Reading

December 2nd, 1974

THE HON. R. BRUNELLE
Minister of Community and
Social Services

Ontario. Legislative Assembly

BILL 151 Government Bill

CA2ON
XB
-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Government Publications

An Act to amend The Family Benefits Act

The Hon. R. Brunelle
Minister of Community and Social Services



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Note

The amendments correspond to changes in *The Ministry of Community and Social Services Act* whereby the Board of Review is transferred to and continued under that Act as the Social Assistance Review Board.

BILL 151 **1974**

An Act to amend The Family Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *da* of section 1 of *The Family Benefits Act*, being chapter 157 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 38, is repealed and the following substituted therefor: s. 1 (*da*), re-enacted

(*da*) "board of review" means the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*. R.S.O. 1970, c. 120

2. Section 11 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 38, is repealed. s. 11, repealed

3.—(1) Subsection 1 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 38, is amended by adding at the end thereof "and the provisions of section 7*c* of *The Ministry of Community and Social Services Act* apply *mutatis mutandis* to a hearing and review under this Act by the board of review". s. 12 (1), amended

(2) Subsections 3, 4, 5, 7, 8 and 9 of the said section 12 are repealed. s. 12 (3-5, 7-9), repealed

4. Clause *h* of section 15 of the said Act is repealed. s. 15 (*h*), repealed

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Family Benefits Amendment Act, 1974*. Short title

BILL 151

An Act to amend
The Family Benefits Act

1st Reading

November 15th, 1974

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(*Government Bill*)

1974

Government Publications

Ontario. Legislative Assembly

BILL 151

CA2ON
XB
-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Family Benefits Act

The Hon. R. Brunelle
Minister of Community and Social Services



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

BILL 151 **1974**

An Act to amend The Family Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *da* of section 1 of *The Family Benefits Act*, being chapter 157 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 38, is repealed and the following substituted therefor: s. 1 (*da*), re-enacted

(*da*) "board of review" means the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*. R.S.O. 1970, c. 120

2. Section 11 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 38, is repealed. s. 11, repealed

3.—(1) Subsection 1 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 38, is amended by adding at the end thereof "and the provisions of section 7*c* of *The Ministry of Community and Social Services Act* apply *mutatis mutandis* to a hearing and review under this Act by the board of review". s. 12 (1), amended

(2) Subsections 3, 4, 5, 7, 8 and 9 of the said section 12 are repealed. s. 12 (3-5, 7-9), repealed

4. Clause *h* of section 15 of the said Act is repealed. s. 15 (*h*), repealed

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Family Benefits Amendment Act, 1974*. Short title

BILL 151

An Act to amend
The Family Benefits Act

1st Reading

November 15th, 1974

2nd Reading

December 2nd, 1974

3rd Reading

December 2nd, 1974

THE HON. R. BRUNELLE
Minister of Community and
Social Services

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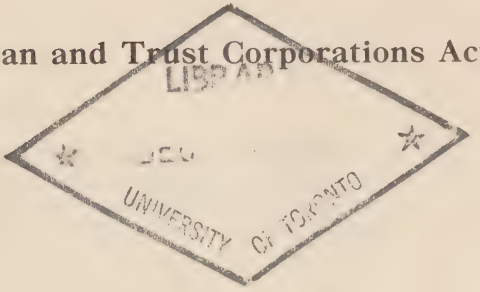
BILL 152 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government Publications

Ontario. Legislative Assembly

An Act to amend The Loan and Trust Corporations Act



THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1.—Subsection 1. The amendment clarifies that a corporation formed for the purpose of investing money on the security of real estate or in mortgages but that does not accept deposits or issue debentures, notes and like obligations, is not considered a loan corporation.

Subsection 2. The term "subordinated note" is defined for use in other provisions of the Bill.

Section 2. The Act does not apply to companies that are incorporated for the purpose of investing money in mortgages and that do borrow, but only by way of loans from a chartered bank or by the issuance of debentures, notes and like obligations in an amount of not less than $100,000, or to companies that are not incorporated for the purpose of lending money on the security of real estate or investing their funds in mortgages, but that happen to acquire such an investment by means of acquiring a security which is collaterally secured by a mortgage upon real estate.

BILL 152 **1974**

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 101, section 1 and 1973, chapter 128, section 1, is further amended by inserting after "purpose" in the third line "of accepting deposits or issuing debentures, notes and like obligations and". s. 1 (*h*), amended

(2) The said section 1 is amended by adding thereto the following clause: s. 1, amended

(*oa*) "subordinated note" means an instrument evidencing an indebtedness of a corporation that by its terms provides that the indebtedness evidenced by it shall, in the event of the insolvency or winding-up of the corporation rank equally with the indebtedness evidenced by other subordinated notes of the corporation but be subordinate in right of payment to all other indebtedness of the corporation.

2. The said Act is amended by adding thereto the following section: s. 2*a*, enacted

2*a*. This Act does not apply to, Application of Act

(*a*) an incorporated company that is authorized, constituted or operated for the purpose of lending money on the security of real estate or investing money in mortgages, charges or hypothecs upon real estate that does not accept deposits, and borrows only by way of,

(i) loans from chartered banks in the usual course of business, or

(ii) by the issue of debentures, notes, or like obligations of an amount not less than $100,000 each to any one person on his account, whereby the company is not obligated, or by demand of the holder cannot be obligated, to repay the money secured by such a debenture, note or like obligation within five years from the date of the issue of the said debenture, note or like obligation;

(*b*) an incorporated company whose objects do not provide for the lending of money on the security of real estate or leaseholds or the investing of its funds in mortgages or hypothecs on real estate or leaseholds and that acquires the bonds, debentures, debenture stock or other securities of a company that are collaterally secured wholly or in part by a mortgage or hypothec upon real estate or leaseholds.

s. 3 (5), amended

3. Subsection 5 of section 3 of the said Act is amended by striking out "twenty-five" in the fourth line and inserting in lieu thereof "five".

s. 17*e* (1), amended

4. Subsection 1 of section 17*e* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 5, is amended by striking out "83" in the first line and inserting in lieu thereof "82".

s. 17*g*, re-enacted

5. Section 17*g* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 5, is repealed and the following substituted therefor:

Shares eligible for investment
R.S.O. 1970, c. 224
R.S.C. 1970, c. L-12

17*g*. Notwithstanding subsection 1 of section 383 of *The Insurance Act* and sections 150 and 153 of this Act, the shares, debentures and other evidence of indebtedness of a loan corporation designated as a mortgage investment company under this Act or under the *Loan Companies Act* (Canada) are an eligible investment for the funds of insurance companies, trust companies and other loan corporations.

s. 24*f*, re-enacted

6. Section 24*f* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 6, is repealed and the following substituted therefor:

SECTION 3. The amendment reduces the minimum number of subscribers required to incorporate a loan or trust company from 25 to 5, which is the minimum number of shareholders required under section 9 of the Act.

SECTION 4. The amendment recognizes the repeal of section 83 and the modification of section 82, which now covers borrowing powers and the calculation of capital.

SECTION 5. The amendment permits an Ontario company to make investments in a mortgage investment company designated under the Federal Loan Companies Act.

SECTION 6. The amendment brings the practice relating to balloting at a meeting of shareholders into line with current practice and with the corresponding provision contained in *The Business Corporations Act*.

SECTION 7. The new section permits the shareholders to delegate to the president of a trust company the exercise of any discretion of the company contained in any will, trust, deed, contract or other instrument, which court interpretation has required the full board of directors to exercise.

SECTIONS 8 AND 9. The amendments correct typographical errors.

SECTION 10.—Subsection 1. The amendment requires the borrowing powers of federal and extra-provincial companies that carry on business in Ontario to be on the same basis as those granted to Ontario incorporated companies.

24*f*. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy has provided a means whereby the person whose proxy is solicited may specify how such person wishes the shares registered in his name to be voted unless, Where vote by ballot not required

(*a*) a poll is demanded by any shareholder present at the meeting in person or represented thereat by proxy; or

(*b*) proxies requiring that the shares represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matter or group of matters total more than 5 per cent of all the voting rights attaching to all the shares entitled to be voted and be represented at the meeting.

7. The said Act is further amended by adding thereto the following section: s. 40*a*, enacted

40*a*. In addition to the general powers of delegation authorized by section 40, the shareholders of a corporation may, at a general meeting called for the purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate, with or without the power of subdelegation, to the president of the corporation the exercise of any or all powers or authorities whether discretionary or otherwise, that may arise through the performance of the corporation of its responsibilities under any will, trust, deed, contract or instrument and the exercise of any such power by the president shall in all instances constitute a performance by the corporation of its responsibilities under any will, trust, deed, contract or instrument. Powers of president

8. Section 59 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 4, is amended by striking out "admitted" in the twelfth line and inserting in lieu thereof "omitted". s. 59, amended

9. Subsection 7*a* of section 74 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 101, section 6, is amended by inserting after "is" in the third line "not". s. 74 (7*a*), amended

10.—(1) Subsection 1 of section 78 of the said Act is amended by striking out "the borrowing powers conferred by this Act" in the first and second lines and inserting in lieu thereof "its borrowing powers". s. 78 (1), amended

s. 78 (2), amended

(2) Subsection 2 of the said section 78 is amended by adding thereto the following clause:

(*aa*) issue subordinated notes to evidence any such borrowing referred to in clause *a* subject to regulations respecting the issuance of subordinated notes.

s. 80*a*, enacted

11. The said Act is further amended by adding thereto the following section:

Features of subordinated note

80*a*.—(1) A subordinated note,

(*a*) shall be issued only on application to the head office of the corporation;

(*b*) shall have a denomination of $50,000 or more, or such other amount as may be prescribed by the Lieutenant Governor in Council by regulation;

(*c*) shall be clearly designated on its face and in its terms as a subordinated note;

(*d*) shall have a fixed term to maturity of seven years or more, but with the approval of the Registrar may be for a lesser term or include a provision making it subject to earlier redemption at the option of the corporation; and

(*e*) shall be evidenced by a certificate, and the form and contents of such certificate are subject to the prior approval of the Registrar.

References to subordinated notes

(2) The corporation, or any person acting on its behalf, shall not, in any offering circular, advertisement, correspondence or literature relating to a subordinated note issued or to be issued by the corporation refer to such note otherwise than as a subordinated note.

s. 82, re-enacted s. 83, repealed

12. Sections 82 and 83 of the said Act are repealed and the following substituted therefor:

Limit on borrowing

82.—(1) The total amount borrowed by a registered loan corporation, by way of the issue of debentures, bonds or other securities, including subordinated notes, and by way of deposits shall not at any time, except as authorized by subsection 5, exceed an amount equal to four times the excess of its assets over its liabilities, including subordinated notes, but the Lieutenant Governor in Council may, on the report of the Registrar, and on such terms and conditions as the Lieutenant Governor in Council may prescribe,

Subsection 2. The amendment enables loan corporations to issue subordinated notes providing they meet certain financial tests that are to be specified by regulation.

Section 11. The new section specifies the terms and conditions upon which a subordinated note may be issued by a loan corporation.

Section 12. The new section 82 removes the statutory limit of the 20 times multiple of capital as an amount that may be borrowed by a loan corporation and substitutes for it a discretionary power to be exercised by the Lieutenant Governor in Council on the report of the Registrar, which may increase the borrowing powers of a loan corporation beyond the 20 times, providing it meets certain conditions. The new section also allows the 20 times multiple to be exceeded if money is held in certain approved investments. The amendment also recognizes that these powers are not applicable to Canadian loan companies, but there is a subsection which requires federal companies to file with the Registrar certain information if they apply for and receive an increase in their borrowing powers.

(*a*) increase the total amount that may be borrowed by a corporation, other than by subordinated notes, to an amount equal to such greater multiplier in excess of four times as the corporation may petition and is supported by a by-law under section 78, which by-law shall not increase the limit beyond twenty times the excess of its assets over its liabilities, excluding subordinated notes, unless the financial condition of the loan corporation complies with the standards established by the regulations; and

(*b*) prescribe the portion of the total amount that may be borrowed by such corporation by way of deposits.

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing the financial standards of loan corporations for the purpose of subsection 1.

Limit on subordinated notes

(3) Where the Lieutenant Governor in Council has approved a by-law under subsection 1, the corporation shall not have outstanding subordinated notes issued by the corporation in an amount greater than the excess of the corporation's assets over its liabilities, including subordinated notes.

Subordinated notes for term of year or more

(4) Subject to subsection 3, where the Lieutenant Governor in Council has approved a by-law that increases the limit of the total amount that may be borrowed, beyond twenty times the excess of the corporation's assets over its liabilities, as provided for in subsection 1, the corporation shall maintain subordinated notes that have more than one year to run to maturity in an amount being not less than a percentage of the amount by which the total amount borrowed exceeds twenty times the excess of the assets over the liabilities, as determined under subsection 1, such percentage to be fixed by the Registrar.

Restrictions on limit

(5) The aggregate of the amounts of money borrowed by a corporation may, if approved by a by-law in accordance with section 78, at any time exceed the limit otherwise imposed by this section by an amount not greater than the amount by which the aggregate of,

(*a*) the cash owned by the corporation and held on hand or on deposit in a chartered bank or other depository approved by the Registrar; and

(*b*) the market value of the unencumbered debentures, bonds, stocks or other securities of or guaranteed

by the Government of Canada or of a province of Canada and maturing within three years, owned by the corporation,

exceeds 20 per cent of the amount of deposits and of obligations of the corporation payable in less than 100 days.

Returns

(6) Where a loan corporation passes a by-law under section 78 that enables the corporation to borrow moneys in excess of twenty times the excess of its assets over its liabilities or that authorizes the issue of subordinated notes, the corporation shall file with the Registrar a return in the form and at such intervals as is required by the Registrar relating to outstanding subordinated notes and to the financial condition of the corporation and compliance thereof with the standards prescribed by the regulations.

Subordinated notes

(7) A loan corporation that issues subordinated notes shall at all times maintain unencumbered investments in addition to those investments required to be held under section 81 that,

(*a*) in the aggregate equal the principal amount of the outstanding subordinated notes;

(*b*) are in securities authorized under clauses *e* to *k* of subsection 1 of section 150; and

(*c*) that mature within six months of the date that the subordinated notes mature.

Not applicable to federal corporations R.S.C. 1970, c. L-12

(8) Subsections 1 to 7 do not apply to registered loan corporations incorporated and licensed under the *Loan Companies Act* (Canada).

Requirements of federal corporations

(9) Each loan corporation registered in Ontario and incorporated and licensed under the *Loan Companies Act* (Canada) shall file with the Registrar copies of all applications filed under the *Loan Companies Act* (Canada) for any increase in the amount that it may borrow, and shall also file with the Registrar a copy of any approval of such application within seven days of filing or receipt, as the case may be.

s. 87 (1), re-enacted

13.—(1) Subsection 1 of section 87 of the said Act is repealed and the following substituted therefor:

Not to borrow by accepting deposits

(1) A provincial trust company does not have power to borrow money by taking deposits or by issuing debentures but may, subject to the regulations, borrow money by the issue of subordinated notes.

SECTION 13. The amendment permits a trust company to borrow money by the issuance of subordinated notes.

SECTION 14. The new section defines the terms and conditions upon which a trust company may issue subordinated notes.

SECTION 15. The amendments permit a trust company to receive deposits and funds guaranteed for investment in an amount more than the previous statutory limit of 20 times its capital upon such terms and conditions as the Lieutenant Governor in Council on report of the Registrar may prescribe. The new section also permits a company to exceed the 20 times limit providing such excess is held in certain securities. A subsection is included to ensure that the foregoing provisions do not apply to companies incorporated federally. A further subsection is included that requires all federal trust companies registered in Ontario to file with the Registrar copies of certain documents that relate to the application of a federal company for, and the granting of, increased borrowing powers.

(2) Subsection 3 of the said section 87, as enacted by the Statutes of Ontario, 1972, chapter 101, section 11, is amended by striking out "subsection" in the second line and inserting in lieu thereof "subsections 1 and". s. 87 (3), amended

14. The said Act is further amended by adding thereto the following section: s. 87*a*, enacted

87*a*.—(1) A subordinated note, Features of sub-ordinated note

(*a*) shall be issued only on application to the head office of the company;

(*b*) shall have a denomination of $50,000 or more or such other amount as may be prescribed by the Lieutenant Governor in Council by regulation;

(*c*) shall be clearly designated on its face and in its terms as a subordinated note;

(*d*) shall have a fixed term to maturity of seven years or more, but with the approval of the Registrar may be for a lesser term or include a provision making it subject to earlier redemption at the option of the company; and

(*e*) shall be evidenced by a certificate, and the form and contents of such certificate are subject to the prior approval of the Registrar.

(2) The trust company, or any person acting on its behalf, shall not, in any offering circular, advertisement, correspondence or literature relating to a subordinated note issued or to be issued by the company refer to such note otherwise than as a subordinated note. References to sub-ordinated notes

15. Section 90 of the said Act is repealed and the following substituted therefor: s. 90, re-enacted

90.—(1) The total of the moneys received by a registered trust company as deposits under section 88 and for investment under section 89 or borrowed under section 87 shall not at any time, except as authorized by subsection 5, exceed an amount equal to twelve and one-half times the excess of its assets over its liabilities, including subordinated notes, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as the Lieutenant Governor in Council may prescribe, Limit on guaranteed funds

(*a*) increase the total amount that may be so received or borrowed other than by subordinated notes by a company to an amount equal to such greater multiplier in excess of twelve and one-half times as the company may petition and is approved by a by-law under section 87, which by-law shall not increase the limit beyond twenty times the excess of its assets over its liabilities, excluding subordinated notes, unless the financial condition of the trust company complies with the standards established by the regulations; and

(*b*) prescribe the portion of the total amount that may be so received or borrowed by such company that may be borrowed by way of deposits.

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing the financial standards of trust companies for the purposes of subsection 1.

Limit on subordinated notes

(3) Where the Lieutenant Governor in Council has approved a by-law under subsection 1, the company shall not have outstanding subordinated notes issued by the company in an amount greater than the excess of the company's assets over its liabilities, including subordinated notes.

Subordinated notes for term of year or more

(4) Subject to subsection 3, where the Lieutenant Governor in Council has approved a by-law that increases the limit of the total amount that may be borrowed, beyond twenty times the excess of the company's assets over its liabilities, as provided for in subsection 1, the company shall maintain subordinated notes that have more than one year to run to maturity in an amount being not less than a percentage of the amount by which the total amount borrowed exceeds twenty times the excess of the assets over the liabilities, as determined under subsection 1, such percentage to be fixed by the Registrar.

Restrictions on limit

(5) The aggregate of the amounts of money so received and borrowed by a trust company may, if approved by a by-law in accordance with section 87, at any time exceed the limit otherwise imposed by this section by an amount not greater than the amount by which the aggregate of,

(*a*) the cash held by the company in its own right and for guaranteed investment and held on hand or on deposit in a chartered bank or other depository approved by the Registrar; and

SECTION 16. The amendment ensures that all federal and extra-provincial companies registered to do business in Ontario will comply with the Ontario requirements relating to minimum capital and foreign ownership, as if they were an Ontario provincial corporation.

(*b*) the market value of the unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of a province of Canada and maturing within three years held by the company in its own right and received for guaranteed investment,

exceeds 20 per cent of the amount of deposits and of funds received for guaranteed investment coming due in less than 100 days.

Returns

(6) Where a trust company passes a by-law under section 87 that enables the company to receive and borrow moneys in excess of twenty times the excess of its assets over its liabilities or that authorizes the issue of subordinated notes, the trust company shall file with the Registrar a return in such form and at such intervals as is required by the Registrar relating to outstanding subordinated notes and to the financial condition of the company and compliance thereof with the standards prescribed by the regulations.

Subordinated notes

(7) A trust company that issues subordinated notes shall at all times maintain unencumbered investments in addition to those investments required to be held under section 93 that,

(*a*) in the aggregate equal the principal amount of the outstanding subordinated notes;

(*b*) are in securities authorized under clauses *e* to *k* of subsection 1 of section 150; and

(*c*) mature within six months of the date that the subordinated notes mature.

Not applicable to federal companies R.S.C. 1970, c. T-16

(8) Subsections 1 to 7 do not apply to companies incorporated under the provisions of the *Trust Companies Act* (Canada).

Requirements of federal companies

(9) Each trust company registered in Ontario and incorporated under the *Trust Companies Act* (Canada) shall file with the Registrar copies of all applications and supporting documents filed under the *Trust Companies Act* (Canada) respecting applications for any increase in the amount it may borrow or receive as deposits or for guaranteed investment, and shall also file with the Registrar a copy of any approval of such application within seven days of filing or receipt, as the case may be.

s. 137 (1), par. 3, re-enacted

16. Paragraph 3 of subsection 1 of section 137 of the said Act is repealed and the following substituted therefor:

3. Corporations duly constituted as joint stock corporations under the laws of any other province of Canada or of Canada that issue permanent shares having capital paid in and unimpaired of at least $1,000,000, together with such surplus as the Minister in the circumstances may require, and who undertake to comply with and be bound by the provisions of sections 54 to 59 to the same extent as if they were a provincial corporation.

s. 166 (1), repealed

17. Subsection 1 of section 166 of the said Act is repealed.

Commencement

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1974*.

SECTION 17. The section repealed provides for annual returns by Trust Companies. The information required is provided for in the annual statements under section 168.

BILL 152

An Act to amend
The Loan and Trust Corporations Act

1st Reading

November 19th, 1974

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

1974

Ontario. Legislative Assembly

Government Publications

BILL 152

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4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974



An Act to amend The Loan and Trust Corporations Act

The Hon. J. T. Clement
Minister of Consumer and Commercial Relations

TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario



BILL 152 **1974**

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 101, section 1 and 1973, chapter 128, section 1, is further amended by inserting after "purpose" in the third line "of accepting deposits or issuing debentures, notes and like obligations and". s. 1 (*h*), amended

(2) The said section 1 is amended by adding thereto the following clause: s. 1, amended

(*oa*) "subordinated note" means an instrument evidencing an indebtedness of a corporation that by its terms provides that the indebtedness evidenced by it shall, in the event of the insolvency or winding-up of the corporation rank equally with the indebtedness evidenced by other subordinated notes of the corporation but be subordinate in right of payment to all other indebtedness of the corporation.

2. The said Act is amended by adding thereto the following section: s. 2*a*, enacted

Application of Act

2*a*. This Act does not apply to,

(*a*) an incorporated company that is authorized, constituted or operated for the purpose of lending money on the security of real estate or investing money in mortgages, charges or hypothecs upon real estate that does not accept deposits, and borrows only by way of,

(i) loans from chartered banks in the usual course of business, or

(ii) by the issue of debentures, notes, or like obligations of an amount not less than $100,000 each to any one person on his account, whereby the company is not obligated, or by demand of the holder cannot be obligated, to repay the money secured by such a debenture, note or like obligation within five years from the date of the issue of the said debenture, note or like obligation;

(*b*) an incorporated company whose objects do not provide for the lending of money on the security of real estate or leaseholds or the investing of its funds in mortgages or hypothecs on real estate or leaseholds and that acquires the bonds, debentures, debenture stock or other securities of a company that are collaterally secured wholly or in part by a mortgage or hypothec upon real estate or leaseholds.

s. 3 (5), amended

3. Subsection 5 of section 3 of the said Act is amended by striking out "twenty-five" in the fourth line and inserting in lieu thereof "five".

s. 17*e* (1), amended

4. Subsection 1 of section 17*e* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 5, is amended by striking out "83" in the first line and inserting in lieu thereof "82".

s. 17*g*, re-enacted

5. Section 17*g* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 5, is repealed and the following substituted therefor:

Shares eligible for investment
R.S.O. 1970, c. 224
R.S.C. 1970, c. L-12

17*g*. Notwithstanding subsection 1 of section 383 of *The Insurance Act* and sections 150 and 153 of this Act, the shares, debentures and other evidence of indebtedness of a loan corporation designated as a mortgage investment company under this Act or under the *Loan Companies Act* (Canada) are an eligible investment for the funds of insurance companies, trust companies and other loan corporations.

s. 24*f*, re-enacted

6. Section 24*f* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 6, is repealed and the following substituted therefor:

24*f*. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy has provided a means whereby the person whose proxy is solicited may specify how such person wishes the shares registered in his name to be voted unless, Where vote by ballot not required

(*a*) a poll is demanded by any shareholder present at the meeting in person or represented thereat by proxy; or

(*b*) proxies requiring that the shares represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matter or group of matters total more than 5 per cent of all the voting rights attaching to all the shares entitled to be voted and be represented at the meeting.

7. The said Act is further amended by adding thereto the following section: s. 40*a*, enacted

40*a*. In addition to the general powers of delegation authorized by section 40, the shareholders of a corporation may, at a general meeting called for the purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate, with or without the power of subdelegation, to the president of the corporation the exercise of any or all powers or authorities whether discretionary or otherwise, that may arise through the performance of the corporation of its responsibilities under any will, trust, deed, contract or instrument and the exercise of any such power by the president shall in all instances constitute a performance by the corporation of its responsibilities under any will, trust, deed, contract or instrument. Powers of president

8. Section 59 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 4, is amended by striking out "admitted" in the twelfth line and inserting in lieu thereof "omitted". s. 59, amended

9. Subsection 7*a* of section 74 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 101, section 6, is amended by inserting after "is" in the third line "not". s. 74 (7*a*), amended

10.—(1) Subsection 1 of section 78 of the said Act is amended by striking out "the borrowing powers conferred by this Act" in the first and second lines and inserting in lieu thereof "its borrowing powers". s. 78 (1), amended

s. 78 (2), amended

(2) Subsection 2 of the said section 78 is amended by adding thereto the following clause:

(*aa*) issue subordinated notes to evidence any such borrowing referred to in clause *a* subject to regulations respecting the issuance of subordinated notes.

s. 80*a*, enacted

11. The said Act is further amended by adding thereto the following section:

Features of subordinated note

80*a*.—(1) A subordinated note,

(*a*) shall be issued only on application to the head office of the corporation;

(*b*) shall have a denomination of $50,000 or more, or such other amount as may be prescribed by the Lieutenant Governor in Council by regulation;

(*c*) shall be clearly designated on its face and in its terms as a subordinated note;

(*d*) shall have a fixed term to maturity of seven years or more, but with the approval of the Registrar may be for a lesser term or include a provision making it subject to earlier redemption at the option of the corporation; and

(*e*) shall be evidenced by a certificate, and the form and contents of such certificate are subject to the prior approval of the Registrar.

References to subordinated notes

(2) The corporation, or any person acting on its behalf, shall not, in any offering circular, advertisement, correspondence or literature relating to a subordinated note issued or to be issued by the corporation refer to such note otherwise than as a subordinated note.

s. 82, re-enacted s. 83, repealed

12. Sections 82 and 83 of the said Act are repealed and the following substituted therefor:

Limit on borrowing

82.—(1) The total amount borrowed by a registered loan corporation, by way of the issue of debentures, bonds or other securities, including subordinated notes, and by way of deposits shall not at any time, except as authorized by subsection 5, exceed an amount equal to four times the excess of its assets over its liabilities, including subordinated notes, but the Lieutenant Governor in Council may, on the report of the Registrar, and on such terms and conditions as the Lieutenant Governor in Council may prescribe,

(*a*) increase the total amount that may be borrowed by a corporation, other than by subordinated notes, to an amount equal to such greater multiplier in excess of four times as the corporation may petition and is supported by a by-law under section 78, which by-law shall not increase the limit beyond twenty times the excess of its assets over its liabilities, excluding subordinated notes, unless the financial condition of the loan corporation complies with the standards established by the regulations; and

(*b*) prescribe the portion of the total amount that may be borrowed by such corporation by way of deposits.

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing the financial standards of loan corporations for the purpose of subsection 1.

Limit on subordinated notes

(3) Where the Lieutenant Governor in Council has approved a by-law under subsection 1, the corporation shall not have outstanding subordinated notes issued by the corporation in an amount greater than the excess of the corporation's assets over its liabilities, including subordinated notes.

Subordinated notes for term of year or more

(4) Subject to subsection 3, where the Lieutenant Governor in Council has approved a by-law that increases the limit of the total amount that may be borrowed, beyond twenty times the excess of the corporation's assets over its liabilities, as provided for in subsection 1, the corporation shall maintain subordinated notes that have more than one year to run to maturity in an amount being not less than a percentage of the amount by which the total amount borrowed exceeds twenty times the excess of the assets over the liabilities, as determined under subsection 1, such percentage to be fixed by the Registrar.

Restrictions on limit

(5) The aggregate of the amounts of money borrowed by a corporation may, if approved by a by-law in accordance with section 78, at any time exceed the limit otherwise imposed by this section by an amount not greater than the amount by which the aggregate of,

(*a*) the cash owned by the corporation and held on hand or on deposit in a chartered bank or other depository approved by the Registrar; and

(*b*) the market value of the unencumbered debentures, bonds, stocks or other securities of or guaranteed

by the Government of Canada or of a province of Canada and maturing within three years, owned by the corporation,

exceeds 20 per cent of the amount of deposits and of obligations of the corporation payable in less than 100 days.

Returns

(6) Where a loan corporation passes a by-law under section 78 that enables the corporation to borrow moneys in excess of twenty times the excess of its assets over its liabilities or that authorizes the issue of subordinated notes, the corporation shall file with the Registrar a return in the form and at such intervals as is required by the Registrar relating to outstanding subordinated notes and to the financial condition of the corporation and compliance thereof with the standards prescribed by the regulations.

Subordinated notes

(7) A loan corporation that issues subordinated notes shall at all times maintain unencumbered investments in addition to those investments required to be held under section 81 that,

(*a*) in the aggregate equal the principal amount of the outstanding subordinated notes;

(*b*) are in securities authorized under clauses *e* to *k* of subsection 1 of section 150; and

(*c*) that mature within six months of the date that the subordinated notes mature.

Not applicable to federal corporations R.S.C. 1970, c. L-12

(8) Subsections 1 to 7 do not apply to registered loan corporations incorporated and licensed under the *Loan Companies Act* (Canada).

Requirements of federal corporations

(9) Each loan corporation registered in Ontario and incorporated and licensed under the *Loan Companies Act* (Canada) shall file with the Registrar copies of all applications filed under the *Loan Companies Act* (Canada) for any increase in the amount that it may borrow, and shall also file with the Registrar a copy of any approval of such application within seven days of filing or receipt, as the case may be.

s. 87 (1), re-enacted

13.—(1) Subsection 1 of section 87 of the said Act is repealed and the following substituted therefor:

Not to borrow by accepting deposits

(1) A provincial trust company does not have power to borrow money by taking deposits or by issuing debentures but may, subject to the regulations, borrow money by the issue of subordinated notes.

(2) Subsection 3 of the said section 87, as enacted by the Statutes of Ontario, 1972, chapter 101, section 11, is amended by striking out "subsection" in the second line and inserting in lieu thereof "subsections 1 and". s. 87 (3), amended

14. The said Act is further amended by adding thereto the following section: s. 87*a*, enacted

87*a*.—(1) A subordinated note, Features of sub-ordinated note

(*a*) shall be issued only on application to the head office of the company;

(*b*) shall have a denomination of $50,000 or more or such other amount as may be prescribed by the Lieutenant Governor in Council by regulation;

(*c*) shall be clearly designated on its face and in its terms as a subordinated note;

(*d*) shall have a fixed term to maturity of seven years or more, but with the approval of the Registrar may be for a lesser term or include a provision making it subject to earlier redemption at the option of the company; and

(*e*) shall be evidenced by a certificate, and the form and contents of such certificate are subject to the prior approval of the Registrar.

(2) The trust company, or any person acting on its behalf, shall not, in any offering circular, advertisement, correspondence or literature relating to a subordinated note issued or to be issued by the company refer to such note otherwise than as a subordinated note. References to sub-ordinated notes

15. Section 90 of the said Act is repealed and the following substituted therefor: s. 90, re-enacted

90.—(1) The total of the moneys received by a registered trust company as deposits under section 88 and for investment under section 89 or borrowed under section 87 shall not at any time, except as authorized by subsection 5, exceed an amount equal to twelve and one-half times the excess of its assets over its liabilities, including subordinated notes, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as the Lieutenant Governor in Council may prescribe, Limit on guaranteed funds

(*a*) increase the total amount that may be so received or borrowed other than by subordinated notes by a company to an amount equal to such greater multiplier in excess of twelve and one-half times as the company may petition and is approved by a by-law under section 87, which by-law shall not increase the limit beyond twenty times the excess of its assets over its liabilities, excluding subordinated notes, unless the financial condition of the trust company complies with the standards established by the regulations; and

(*b*) prescribe the portion of the total amount that may be so received or borrowed by such company that may be borrowed by way of deposits.

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing the financial standards of trust companies for the purposes of subsection 1.

Limit on subordinated notes

(3) Where the Lieutenant Governor in Council has approved a by-law under subsection 1, the company shall not have outstanding subordinated notes issued by the company in an amount greater than the excess of the company's assets over its liabilities, including subordinated notes.

Subordinated notes for term of year or more

(4) Subject to subsection 3, where the Lieutenant Governor in Council has approved a by-law that increases the limit of the total amount that may be borrowed, beyond twenty times the excess of the company's assets over its liabilities, as provided for in subsection 1, the company shall maintain subordinated notes that have more than one year to run to maturity in an amount being not less than a percentage of the amount by which the total amount borrowed exceeds twenty times the excess of the assets over the liabilities, as determined under subsection 1, such percentage to be fixed by the Registrar.

Restrictions on limit

(5) The aggregate of the amounts of money so received and borrowed by a trust company may, if approved by a by-law in accordance with section 87, at any time exceed the limit otherwise imposed by this section by an amount not greater than the amount by which the aggregate of,

(*a*) the cash held by the company in its own right and for guaranteed investment and held on hand or on deposit in a chartered bank or other depository approved by the Registrar; and

(*b*) the market value of the unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of a province of Canada and maturing within three years held by the company in its own right and received for guaranteed investment,

exceeds 20 per cent of the amount of deposits and of funds received for guaranteed investment coming due in less than 100 days.

Returns

(6) Where a trust company passes a by-law under section 87 that enables the company to receive and borrow moneys in excess of twenty times the excess of its assets over its liabilities or that authorizes the issue of subordinated notes, the trust company shall file with the Registrar a return in such form and at such intervals as is required by the Registrar relating to outstanding subordinated notes and to the financial condition of the company and compliance thereof with the standards prescribed by the regulations.

Subordinated notes

(7) A trust company that issues subordinated notes shall at all times maintain unencumbered investments in addition to those investments required to be held under section 93 that,

(*a*) in the aggregate equal the principal amount of the outstanding subordinated notes;

(*b*) are in securities authorized under clauses *e* to *k* of subsection 1 of section 150; and

(*c*) mature within six months of the date that the subordinated notes mature.

Not applicable to federal companies R.S.C. 1970, c. T-16

(8) Subsections 1 to 7 do not apply to companies incorporated under the provisions of the *Trust Companies Act* (Canada).

Requirements of federal companies

(9) Each trust company registered in Ontario and incorporated under the *Trust Companies Act* (Canada) shall file with the Registrar copies of all applications and supporting documents filed under the *Trust Companies Act* (Canada) respecting applications for any increase in the amount it may borrow or receive as deposits or for guaranteed investment, and shall also file with the Registrar a copy of any approval of such application within seven days of filing or receipt, as the case may be.

16. Paragraph 3 of subsection 1 of section 137 of the said Act is repealed and the following substituted therefor: s. 137 (1), par. 3, re-enacted

3. Corporations duly constituted as joint stock corporations under the laws of any other province of Canada or of Canada that issue permanent shares having capital paid in and unimpaired of at least $1,000,000, together with such surplus as the Minister in the circumstances may require, and who undertake to comply with and be bound by the provisions of sections 54 to 59 to the same extent as if they were a provincial corporation.

s. 166 (1), repealed

17. Subsection 1 of section 166 of the said Act is repealed.

Commencement

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1974.*

BILL 152

An Act to amend
The Loan and Trust Corporations Act

1st Reading

November 19th, 1974

2nd Reading

November 22nd, 1974

3rd Reading

November 28th, 1974

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

1974

Ontario. Legislative Assembly

BILL 153 Private Member's Bill

CA2ON
XB
-B56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government Publications

An Act to amend The Municipal Elections Act, 1972

MR. CASSIDY



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the bill is to allow municipalities to pass by-laws limiting the amounts that may be spent on election expenses.



BILL 153 **1974**

An Act to amend The Municipal Elections Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Elections Act, 1972*, being chapter 95, as amended by the Statutes of Ontario, 1974, chapter 32, section 1, is further amended by adding thereto the following paragraph: s. 1, amended

11*a*. "election expenses" means,

(*a*) amounts paid;

(*b*) liabilities incurred;

(*c*) the commercial value of goods and services donated or provided, other than volunteer labour; and

(*d*) amounts that represent the differences between amounts paid and liabilities incurred for goods and services, other than labour, and the commercial value thereof where they are provided at less than their commercial value,

all of which are hereinafter referred to as "the cost" for the purpose of promoting or opposing, directly and during an election, the election of a particular candidate, and without limiting the generality of the foregoing, includes,

(*e*) the cost of acquiring the right to the use of time on the facilities of any broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), or of acquiring the right to the publication of an advertisement in any periodical publication for any such purpose; R.S.C. 1970, c. B-11

(*f*) the cost of acquiring the services of any person, including remuneration and expenses paid to him or on his behalf, as an agent or otherwise, except where such services are donated or provided at materially less than their commercial value;

(*g*) the cost of acquiring meeting space, of provision of light refreshment and of acquiring and distributing mailing objects, material or devices of a promotional nature; and

(*h*) the cost of goods or services provided by a government, crown corporation or any other public agency,

when such costs are incurred for a purpose set out in this definition, and for the purposes of this definition, the "commercial value" of goods or services donated or provided at less than their commercial value is, where the person by whom the goods or services are so donated or provided is in the business of supplying such goods or services, the lowest amount charged by him for an equivalent amount of the same goods or services at or about the time they are so donated or provided, and where the person by whom the goods or services are so donated or provided is not in the business of supplying such goods or services, the lowest amount charged for an equivalent amount of the same goods or services at or about that time by any other person providing those goods or services on a commercial basis in the market area in which the goods or services are so donated or provided if that amount charged is equal to or greater than one hundred dollars, and if that amount charged is less than one hundred dollars, nil.

s. 2*a*, enacted

2. The said Act is amended by adding thereto the following section:

By-laws relating to election expenses

2*a*. The council of a municipality may pass by-laws,

(*a*) determining the amount that may be spent by a candidate on election expenses;

(*b*) determining, subject to paragraph 11*a* of section 1, the expenses that are not to be included in election expenses;

(*c*) prescribing returns to be made concerning election expenses and to whom such returns are to be made; and

(*d*) providing that any violation of a by-law passed under this section is a corrupt practice under this Act and is punishable by removal from office where the candidate is elected.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Municipal Elections Amendment Act, 1974*.

An Act to amend
The Municipal Elections Act, 1972

1st Reading

November 19th, 1974

2nd Reading

3rd Reading

MR. CASSIDY

(*Private Member's Bill*)

1974

Ontario. Legislative Assembly BILL 154 Government Bill

CA2ON
XB
-B56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government
Publications

An Act to amend The Town of Wasaga Beach Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill corrects a deficiency in the description of certain lands in the Township of Sunnidale that were annexed to the newly erected Town of Wasaga Beach on the 1st day of January, 1974.



BILL 154 **1974**

An Act to amend The Town of Wasaga Beach Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to *The Town of Wasaga Beach Act, 1973*, being chapter 79, is amended by striking out paragraphs 24 to 34 and inserting in lieu thereof: Schedule, amended

"Part of the Township of Sunnidale, commencing at a point in the west limit of Lot 1 in Concession XIV distant 2422.30 feet measured northerly therealong from its southwest angle;

THENCE north 66° 57′ east 428.31 feet to a point;

THENCE north 58° 33′ east 596.47 feet to a point;

THENCE north 71° 56′ 30″ east 995.39 feet to a point;

THENCE south 10° 34′ east 308.31 feet to a point;

THENCE north 72° 51′ east 1497.57 feet to a point;

THENCE south 10° 27′ 20″ east 1118.03 feet to a point;

THENCE north 70° 11′ 30″ east 2289.21 feet to a point in the west limit of the Old Sunnidale Road;

THENCE southeasterly along the west limit of the Old Sunnidale Road to the line between concessions XIII and XIV of the Township of Sunnidale;

THENCE easterly along the line between concessions XIII and XIV and its prolongation to the east boundary of the Township of Sunnidale;

THENCE northerly along the east boundary of the Township of Sunnidale to the southeasterly boundary of the Village of Wasaga Beach;

THENCE southwesterly along the boundaries between the Township of Sunnidale and the Village of Wasaga Beach to the west boundary of the Township of Sunnidale;

THENCE southerly along the west boundary of the Township of Sunnidale to the point of intersection of the said boundary with a line having a bearing of south 66° 57′ west from the point of commencement;

THENCE north 66° 57′ east to the point of commencement".

Commencement

2. This Act shall be deemed to have come into force on the 1st day of January, 1974.

Short title

3. This Act may be cited as *The Town of Wasaga Beach Amendment Act, 1974*.

BILL 101

An Act to amend
The Town of Wasaga Beach
Act, 1973

1st Reading

November 21st, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

1974

CA2ON
XB
-B56

Government
Publications

BILL 154

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Town of Wasaga Beach Act, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 154 **1974**

An Act to amend The Town of Wasaga Beach Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to *The Town of Wasaga Beach Act, 1973*, being chapter 79, is amended by striking out paragraphs 24 to 34 and inserting in lieu thereof: Schedule, amended

"Part of the Township of Sunnidale, commencing at a point in the west limit of Lot 1 in Concession XIV distant 2422.30 feet measured northerly therealong from its southwest angle;

THENCE north 66° 57′ east 428.31 feet to a point;

THENCE north 58° 33′ east 596.47 feet to a point;

THENCE north 71° 56′ 30″ east 995.39 feet to a point;

THENCE south 10° 34′ east 308.31 feet to a point;

THENCE north 72° 51′ east 1497.57 feet to a point;

THENCE south 10° 27′ 20″ east 1118.03 feet to a point;

THENCE north 70° 11′ 30″ east 2289.21 feet to a point in the west limit of the Old Sunnidale Road;

THENCE southeasterly along the west limit of the Old Sunnidale Road to the line between concessions XIII and XIV of the Township of Sunnidale;

THENCE easterly along the line between concessions XIII and XIV and its prolongation to the east boundary of the Township of Sunnidale;

THENCE northerly along the east boundary of the Township of Sunnidale to the southeasterly boundary of the Village of Wasaga Beach;

THENCE southwesterly along the boundaries between the Township of Sunnidale and the Village of Wasaga Beach to the west boundary of the Township of Sunnidale;

THENCE southerly along the west boundary of the Township of Sunnidale to the point of intersection of the said boundary with a line having a bearing of south 66° 57′ west from the point of commencement;

THENCE north 66° 57′ east to the point of commencement".

Commencement

2. This Act shall be deemed to have come into force on the 1st day of January, 1974.

Short title

3. This Act may be cited as *The Town of Wasaga Beach Amendment Act, 1974*.

An Act to amend
The Town of Wasaga Beach
Act, 1973

1st Reading

November 21st, 1974

2nd Reading

November 28th, 1974

3rd Reading

November 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Government
Publications

Ontario. Legislative Assembly BILL 155 Government Bill

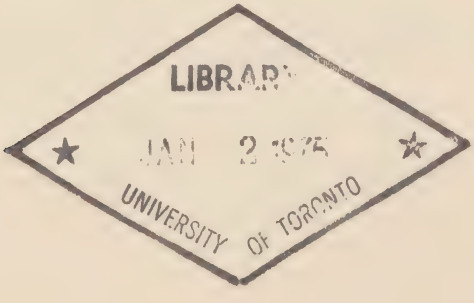
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4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to incorporate the Algonquin Forestry Authority

The Hon. L. Bernier
Minister of Natural Resources

(Reprinted as amended by the Committee of the Whole House)



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Note

The purpose of the Bill is to incorporate a corporation without share capital to harvest Crown timber in Algonquin Provincial Park and in areas immediately adjacent to it, to sell the logs and also to carry out such forestry, land management and other programs and projects that the Minister of Natural Resources authorizes. The Bill contains the following provisions:

1. The Board of Directors and General Manager of the Authority will be appointed by the Lieutenant Governor in Council who will fix the remuneration and expense allowances for them.

2. The Authority will, subject to the approval of the Lieutenant Governor in Council, establish its own job classifications and salary ranges and will hire its own staff. *The Public Service Superannuation Act* will apply to the permanent and full-time probationary staff of the Authority.

3. The Authority will be responsible to and subject to the control of the Minister of Natural Resources. The Authority must establish and maintain an accounting system satisfactory to the Minister. The Authority will prepare and submit to the Minister any data and information in respect of the Authority that he requests.

4. The Minister will prepare a master plan that balances the public interest in maintaining and improving the quality of Algonquin Provincial Park for the purposes of recreation and the public interest in providing a flow of logs from that Park. The Authority will conduct its operations in conformity with the master plan and its amendments.

5. The Authority will be funded by grants and loans out of the Consolidated Revenue Fund as approved by the Lieutenant Governor in Council.

6. The Lieutenant Governor in Council may order the Authority to pay to the Treasurer of Ontario moneys of the Authority that are in excess of the requirements of the Authority.

7. The Authority, subject to *The Public Lands Act*, will use public lands for its actual use and occupation.

8. The accounts and financial transactions of the Authority will be audited annually by the Provincial Auditor.

9. Crown timber licences covering areas wholly or partly in Algonquin Provincial Park may be terminated by the Lieutenant Governor in Council on sixty days notice. A copy of each order in council will be forwarded to each affected Crown timber licensee.

BILL 155 **1974**

An Act to incorporate the Algonquin Forestry Authority

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Algonquin Provincial Park" means Algonquin Provincial Park as set apart from time to time under *The Provincial Parks Act*; R.S.O. 1970, c. 371

(*b*) "Authority" means the Algonquin Forestry Authority incorporated by this Act;

(*c*) "Board" means the Board of Directors of the Authority;

(*d*) "Crown timber" has the same meaning as in *The Crown Timber Act*; R.S.O. 1970, c. 102

(*e*) "Minister" means the Minister of Natural Resources;

(*f*) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Administration of Act

2. The Minister is responsible for the administration of this Act.

Incorporation

3.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Algonquin Forestry Authority consisting of not fewer than five and not more than twelve members appointed by the Lieutenant Governor in Council to hold office during pleasure.

Crown agency R.S.O. 1970, c. 100

(2) The Authority is an agent of Her Majesty in right of Ontario and is a Crown agency for the purposes of *The Crown Agency Act*.

R.S.O. 1970, c. 89 not to apply

(3) *The Corporations Act* does not apply to the Authority.

Board of Directors

4.—(1) The members for the time being of the Authority form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remuneration

(2) The Authority may pay its directors such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Management

(3) Subject to subsection 4 of section 9, the affairs of the Authority are under the management and control of the Board and the chairman, subject to subsection 4, shall preside at all meetings of the Board.

Acting chairman

(4) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as chairman and shall have all the powers and shall perform all the duties of the chairman.

Quorum

(5) A majority of the directors constitutes a quorum of the Board.

By-laws

(6) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Authority.

Seal

(7) The Authority shall have a seal which shall be adopted by by-law.

General manager

5. The Lieutenant Governor in Council shall appoint a person to be the general manager of the Authority who shall be subject to the control and direction of the Board and who shall be paid by the Authority such remuneration and expense allowance as may be fixed by the Lieutenant Governor in Council.

Officers and employees

6.—(1) The Authority may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications, duties, powers and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved and may dismiss its officers and employees for just cause.

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority. Superannuation R.S.O. 1970, c. 387

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an officer or employee of the Authority. Attendance and vacation credits R.S.O. 1970, c. 386

7. Subject to the approval of the Lieutenant Governor in Council, the Authority may engage persons other than those appointed or employed pursuant to section 6 to provide professional, technical or other assistance to or on behalf of the Authority, and may prescribe the terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional and other assistance

8. No director, officer or employee of the Authority, or other person acting on behalf of the Authority, is personally liable for any act done in good faith in the exercise or intended exercise of any of his duties or powers or for any default or neglect in good faith in the exercise of any of his duties or powers. Limitation of liability

9.—(1) Subject to subsection 2, the objects of the Authority are, Objects

(*a*) subject to *The Crown Timber Act*, to harvest Crown timber and produce logs therefrom and to sort, sell, supply and deliver the logs; R.S.O. 1970, c. 102

(*b*) to perform, undertake and carry out such forestry, land management and other programs and projects as the Minister may authorize and to advise the Minister on forestry and land management programs and projects of general advantage to Ontario.

(2) The Authority shall carry out its objects in Algonquin Provincial Park and in respect of Crown timber on such lands adjacent thereto as may be designated by the Lieutenant Governor in Council. Jurisdiction

(3) Subject to *The Public Lands Act*, the Authority may acquire and hold public lands or any interest therein for its actual use and occupation. Use of public lands R.S.O. 1970, c. 380

(4) The Authority is responsible to and subject to the direction and control of the Minister and, without limiting Objectives

the generality of the foregoing, the Minister may determine for the Authority,

(*a*) production and operational objectives aimed at regulating the flow of logs;

(*b*) social objectives aimed at maintaining or improving employment levels in the forest industry; and

(*c*) financial, commercial and economic objectives aimed at ensuring reasonable prices for logs produced by or on behalf of the Authority and ensuring a reasonable rate of return on the capital invested in the Authority.

Capacity of a natural person and power to act outside Ontario

10.—(1) The Authority has all the capacity and powers of a natural person, including the capacity to exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights.

Dealings with Authority

(2) No act of the Authority and no transfer of real or personal property to or by the Authority is invalid by reason of the fact that the Authority was without capacity or power to do such act or make or receive such transfer.

Master plan

11.—(1) The Minister shall prepare a master plan that balances the public interest in maintaining and improving the quality of Algonquin Provincial Park for the purpose of recreation and the public interest in providing a flow of logs from Algonquin Provincial Park.

Amendment

(2) The Minister may amend the master plan and shall provide a copy of it and every amendment to the Authority.

Quality of operations

(3) The Authority shall conduct its operations in conformity and harmony with the provisions and true intent and spirit of the master plan and all amendments thereof, and shall ensure that such operations are conducted, so far as it is practicable so to do, with full regard at all times for the aesthetics, ecology and all other qualities of the environment.

Grants and loans

12.—(1) The Lieutenant Governor in Council may authorize the Minister to make grants and loans to the Authority at such times and upon such terms as the Lieutenant Governor in Council considers advisable.

Statutory appropriation

(2) The money required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

13.—(1) Subject to subsection 2 and section 14, the property and moneys of the Authority shall be applied solely to promote the objects of the Authority. Application of property and moneys

(2) The Authority may temporarily invest any surplus moneys not immediately required for its objects in any securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada. Investment of surplus moneys

(3) The Authority may, with the approval of the Minister, maintain in its name one or more accounts in any chartered bank or trust company. Bank accounts

14. The Authority, upon the order of the Lieutenant Governor in Council, shall pay to the Treasurer of Ontario so much of the moneys of the Authority as the Lieutenant Governor in Council considers in excess of the moneys required for the objects of the Authority, and any moneys so paid may be applied by the Treasurer of Ontario towards the discharge of any obligation of the Authority to Her Majesty in right of Ontario, and if not so applied shall form part of the Consolidated Revenue Fund. Disposition of excess moneys

15. Unless otherwise ordered by the Lieutenant Governor in Council, the fiscal year of the Authority commences on the 1st day of April in each year and ends with the 31st day of March in the following year. Fiscal year

16.—(1) The Authority shall establish and maintain an accounting system satisfactory to the Minister. Accounting system

(2) The Minister may direct the Authority to prepare and submit to the Minister, in such form and at such time as the Minister directs, forecasts, estimates and analyses of revenues, expenditures, commitments and any other data and information pertaining to any aspect of the affairs of the Authority. Submission of information and data to Minister

17. The Authority shall, within three months after the termination of each fiscal year, submit an annual report to the Minister in such form as he may direct, which shall include, Annual report

(*a*) a description of its operation for the fiscal year;

(*b*) an audited financial statement, including a balance sheet, a statement of income and expense and a statement of surplus or deficit for the fiscal year; and

(*c*) such other information in respect of the affairs of the Authority as the Minister may require,

and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

18. The accounts and financial transactions of the Authority shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Minister and the Authority in which the Provincial Auditor shall,

(*a*) express an opinion on the financial statements of the Authority; and

(*b*) include any matters that he considers should be brought to the attention of the Minister and the Authority.

Termination of Crown timber licences

19.—(1) Notwithstanding anything in any general or special Act or in any regulation, licence, management plan or operating plan and, subject to subsection 2, the Lieutenant Governor in Council shall by order in council terminate any licence heretofore granted under *The Crown Timber Act*, the licensed area of which is wholly or partly within Algonquin Provincial Park.

R.S.O. 1970, c. 102

60 day notice of termination

(2) Every order in council made pursuant to subsection 1 shall provide that each licence referred to in the order in council is terminated as of the sixtieth day next following the date of the order in council.

Service of order in council terminating Crown timber licences

(3) The Minister shall forward by registered mail a copy of every order in council made pursuant to subsection 1 to the licensee of each licence referred to in the order in council, addressed to the last place of business of the licensee as shown in the records in the Ministry of Natural Resources.

Termination of cutting approval

(4) Upon the termination of a licence pursuant to subsection 1, each approval issued pursuant to subsection 1 of section 13 of *The Crown Timber Act* in respect of the licence shall thereafter be null and void.

Continuation of liability for Crown charges

(5) The licensee of a licence terminated under subsection 1 shall continue to be liable for all indebtedness in respect of Crown charges as defined in *The Crown Timber Act* in respect of the licence.

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

21. This Act may be cited as *The Algonquin Forestry Authority Act, 1974*. Short title

BILL 155

An Act to incorporate
the Algonquin Forestry Authority

1st Reading

November 21st, 1974

2nd Reading

December 2nd, 1974

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(*Reprinted as amended by the Committee of the Whole House*)

1974

Ontario. Legislative Assembly
Government Publications

BILL 155

CA2ON
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-B56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974



An Act to incorporate the Algonquin Forestry Authority

THE HON. L. BERNIER
Minister of Natural Resources

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 155 **1974**

An Act to incorporate the Algonquin Forestry Authority

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Algonquin Provincial Park" means Algonquin Provincial Park as set apart from time to time under *The Provincial Parks Act*; R.S.O. 1970, c. 371

(*b*) "Authority" means the Algonquin Forestry Authority incorporated by this Act;

(*c*) "Board" means the Board of Directors of the Authority;

(*d*) "Crown timber" has the same meaning as in *The Crown Timber Act*; R.S.O. 1970, c. 102

(*e*) "Minister" means the Minister of Natural Resources;

(*f*) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. The Minister is responsible for the administration of this Act. Administration of Act

3.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Algonquin Forestry Authority consisting of not fewer than five and not more than twelve members appointed by the Lieutenant Governor in Council to hold office during pleasure. Incorporation

Crown agency R.S.O. 1970, c. 100

(2) The Authority is an agent of Her Majesty in right of Ontario and is a Crown agency for the purposes of *The Crown Agency Act*.

R.S.O. 1970, c. 89 not to apply

(3) *The Corporations Act* does not apply to the Authority.

Board of Directors

4.—(1) The members for the time being of the Authority form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remuneration

(2) The Authority may pay its directors such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Management

(3) Subject to subsection 4 of section 9, the affairs of the Authority are under the management and control of the Board and the chairman, subject to subsection 4, shall preside at all meetings of the Board.

Acting chairman

(4) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as chairman and shall have all the powers and shall perform all the duties of the chairman.

Quorum

(5) A majority of the directors constitutes a quorum of the Board.

By-laws

(6) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Authority.

Seal

(7) The Authority shall have a seal which shall be adopted by by-law.

General manager

5. The Lieutenant Governor in Council shall appoint a person to be the general manager of the Authority who shall be subject to the control and direction of the Board and who shall be paid by the Authority such remuneration and expense allowance as may be fixed by the Lieutenant Governor in Council.

Officers and employees

6.—(1) The Authority may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications, duties, powers and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved and may dismiss its officers and employees for just cause.

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority. Superannuation R.S.O. 1970, c. 387

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an officer or employee of the Authority. Attendance and vacation credits R.S.O. 1970, c. 386

7. Subject to the approval of the Lieutenant Governor in Council, the Authority may engage persons other than those appointed or employed pursuant to section 6 to provide professional, technical or other assistance to or on behalf of the Authority, and may prescribe the terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional and other assistance

8. No director, officer or employee of the Authority, or other person acting on behalf of the Authority, is personally liable for any act done in good faith in the exercise or intended exercise of any of his duties or powers or for any default or neglect in good faith in the exercise of any of his duties or powers. Limitation of liability

9.—(1) Subject to subsection 2, the objects of the Authority are, Objects

(*a*) subject to *The Crown Timber Act*, to harvest Crown timber and produce logs therefrom and to sort, sell, supply and deliver the logs; R.S.O. 1970, c. 102

(*b*) to perform, undertake and carry out such forestry, land management and other programs and projects as the Minister may authorize and to advise the Minister on forestry and land management programs and projects of general advantage to Ontario.

(2) The Authority shall carry out its objects in Algonquin Provincial Park and in respect of Crown timber on such lands adjacent thereto as may be designated by the Lieutenant Governor in Council. Jurisdiction

(3) Subject to *The Public Lands Act*, the Authority may acquire and hold public lands or any interest therein for its actual use and occupation. Use of public lands R.S.O. 1970, c. 380

(4) The Authority is responsible to and subject to the direction and control of the Minister and, without limiting Objectives

the generality of the foregoing, the Minister may determine for the Authority,

(*a*) production and operational objectives aimed at regulating the flow of logs;

(*b*) social objectives aimed at maintaining or improving employment levels in the forest industry; and

(*c*) financial, commercial and economic objectives aimed at ensuring reasonable prices for logs produced by or on behalf of the Authority and ensuring a reasonable rate of return on the capital invested in the Authority.

Capacity of a natural person and power to act outside Ontario

10.—(1) The Authority has all the capacity and powers of a natural person, including the capacity to exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights.

Dealings with Authority

(2) No act of the Authority and no transfer of real or personal property to or by the Authority is invalid by reason of the fact that the Authority was without capacity or power to do such act or make or receive such transfer.

Master plan

11.—(1) The Minister shall prepare a master plan that balances the public interest in maintaining and improving the quality of Algonquin Provincial Park for the purpose of recreation and the public interest in providing a flow of logs from Algonquin Provincial Park.

Amendment

(2) The Minister may amend the master plan and shall provide a copy of it and every amendment to the Authority.

Quality of operations

(3) The Authority shall conduct its operations in conformity and harmony with the provisions and true intent and spirit of the master plan and all amendments thereof, and shall ensure that such operations are conducted, so far as it is practicable so to do, with full regard at all times for the aesthetics, ecology and all other qualities of the environment.

Grants and loans

12.—(1) The Lieutenant Governor in Council may authorize the Minister to make grants and loans to the Authority at such times and upon such terms as the Lieutenant Governor in Council considers advisable.

Statutory appropriation

(2) The money required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Application of property and moneys

13.—(1) Subject to subsection 2 and section 14, the property and moneys of the Authority shall be applied solely to promote the objects of the Authority.

Investment of surplus moneys

(2) The Authority may temporarily invest any surplus moneys not immediately required for its objects in any securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada.

Bank accounts

(3) The Authority may, with the approval of the Minister, maintain in its name one or more accounts in any chartered bank or trust company.

Disposition of excess moneys

14. The Authority, upon the order of the Lieutenant Governor in Council, shall pay to the Treasurer of Ontario so much of the moneys of the Authority as the Lieutenant Governor in Council considers in excess of the moneys required for the objects of the Authority, and any moneys so paid may be applied by the Treasurer of Ontario towards the discharge of any obligation of the Authority to Her Majesty in right of Ontario, and if not so applied shall form part of the Consolidated Revenue Fund.

Fiscal year

15. Unless otherwise ordered by the Lieutenant Governor in Council, the fiscal year of the Authority commences on the 1st day of April in each year and ends with the 31st day of March in the following year.

Accounting system

16.—(1) The Authority shall establish and maintain an accounting system satisfactory to the Minister.

Submission of information and data to Minister

(2) The Minister may direct the Authority to prepare and submit to the Minister, in such form and at such time as the Minister directs, forecasts, estimates and analyses of revenues, expenditures, commitments and any other data and information pertaining to any aspect of the affairs of the Authority.

Annual report

17. The Authority shall, within three months after the termination of each fiscal year, submit an annual report to the Minister in such form as he may direct, which shall include,

(*a*) a description of its operation for the fiscal year;

(*b*) an audited financial statement, including a balance sheet, a statement of income and expense and a statement of surplus or deficit for the fiscal year; and

(*c*) such other information in respect of the affairs of the Authority as the Minister may require,

and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

18. The accounts and financial transactions of the Authority shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Minister and the Authority in which the Provincial Auditor shall,

(*a*) express an opinion on the financial statements of the Authority; and

(*b*) include any matters that he considers should be brought to the attention of the Minister and the Authority.

Termination of Crown timber licences

19.—(1) Notwithstanding anything in any general or special Act or in any regulation, licence, management plan or operating plan and, subject to subsection 2, the Lieutenant Governor in Council shall by order in council terminate any licence heretofore granted under *The Crown Timber Act*, the licensed area of which is wholly or partly within Algonquin Provincial Park.

R.S.O. 1970, c. 102

60 day notice of termination

(2) Every order in council made pursuant to subsection 1 shall provide that each licence referred to in the order in council is terminated as of the sixtieth day next following the date of the order in council.

Service of order in council terminating Crown timber licences

(3) The Minister shall forward by registered mail a copy of every order in council made pursuant to subsection 1 to the licensee of each licence referred to in the order in council, addressed to the last place of business of the licensee as shown in the records in the Ministry of Natural Resources.

Termination of cutting approval

(4) Upon the termination of a licence pursuant to subsection 1, each approval issued pursuant to subsection 1 of section 13 of *The Crown Timber Act* in respect of the licence shall thereafter be null and void.

Continuation of liability for Crown charges

(5) The licensee of a licence terminated under subsection 1 shall continue to be liable for all indebtedness in respect of Crown charges as defined in *The Crown Timber Act* in respect of the licence.

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

21. This Act may be cited as *The Algonquin Forestry Authority Act, 1974*. Short title

BILL 155

An Act to incorporate
the Algonquin Forestry Authority

1st Reading

November 21st, 1974

2nd Reading

December 2nd, 1974

3rd Reading

December 2nd, 1974

THE HON. L. BERNIER
Minister of Natural Resources

Ontario. Legislative Assembly

BILL 156

Private Member's Bill

CA2ON
XB
-B56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government
Publications

An Act to establish the Bureau of Repair Services

MR. NEWMAN
(Windsor-Walkerville)



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of this Bill is to control the repairing of household appliances, including television sets and radios, through a system of registration of persons engaged in the business of making these repairs.



BILL 156 **1974**

An Act to establish the Bureau of Repair Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Bureau" means the Bureau of Repair Services;

(*b*) "household appliances" includes television sets and radios;

(*c*) "Registrar" means the Registrar of the Consumer Protection Bureau;

(*d*) "regulations" means the regulations made under this Act;

(*e*) "repairer" means a person engaged in the business of repairing household appliances.

Bureau of Repair Services established

2. There shall be a division of the Consumer Protection Bureau to be known as the Bureau of Repair Services, which shall consist of the Registrar of the Consumer Protection Bureau and such other officers and employees thereof as are considered necessary.

Registration required

3.—(1) No person shall engage in the business of repairing household appliances unless he is registered under this Act.

Name and place of business

(2) A registered repairer of household appliances shall not carry on business in a name other than the name in which he is registered or from a place of business other than that stated in the registration.

Registration

4. An applicant is entitled to registration or renewal of registration by the Registrar except where,

(*a*) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business;

(*b*) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(*c*) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty.

Refusal to renew, suspend or revoke

5. Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant.

Where Registrar proposes to refuse, suspend or revoke R.S.O. 1970, c. 82

6. The provisions of section 7 of *The Consumer Protection Act* apply *mutatis mutandis* where the Registrar proposes to refuse, refuse to renew, suspend or revoke a registration.

Investigation of complaints

7.—(1) Where the Bureau receives a complaint in respect of a repairer and so requests in writing, the repairer shall furnish the Bureau with such information in respect of the matter complained of as the Bureau requires.

Idem

(2) For the purposes of subsection 1, any officer or employee of the Bureau may at any reasonable time enter upon the business premises of the repairer to make an inspection in relation to the complaint.

Inspection

8. Where an officer or employee of the Bureau has reasonable and probable grounds to believe that any person is engaged in the business of repairing household appliances while unregistered, the officer or employee may at any reasonable time enter such person's business premises and make an inspection to determine whether or not the person is in contravention of section 3.

Notice of changes

9.—(1) Every repairer shall, within five days after the event, notify the Bureau in writing of,

(*a*) any change in the location at which he carries on the repair business;

(*b*) in the case of a corporation, any change of officers; or

(*c*) in the case of a partnership, any change in the members of the partnership.

(2) The Bureau shall be deemed to be notified under subsection 1 on the day on which it is actually notified or, where the notice is sent by mail, on the day of mailing.

Service

10. Any notice or order given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the last known address of the person to whom delivery or service is to be made in which case it shall be deemed to be given or served on the third day after the day of mailing unless the person establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice at all or until a later date.

Offence

11. Every person who contravenes this Act or the regulations and every director or officer of a corporation who knowingly concurs therein are guilty of an offence and on summary conviction are liable to a fine of not more than $1,000.

Regulations

12. The Lieutenant Governor in Council may make regulations,

(*a*) governing applications for registration and renewal of registration of repairers;

(*b*) requiring repairers to make returns and furnish information to the Bureau;

(*c*) requiring the payment of fees on application for registration under this Act or for renewal of such registration, and prescribing the amounts thereof;

(*d*) prescribing forms and providing for their use;

(*e*) prescribing classes of repairers and exempting any class of repairer from the application of this Act or the regulations or any provision thereof;

(*f*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Bureau of Repair Services Act, 1974*.

BILL 156

An Act to establish the
Bureau of Repair Services

1st Reading

November 21st, 1974

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(*Private Member's Bill*)

1974

CA2ON
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-B56

Government
Publications

BILL 157

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The Public Transportation and Highway Improvement Act

THE HON. J. R. RHODES
Minister of Transportation and Communications



TORONTO
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Explanatory Notes

Section 1. The subsection is re-enacted to remove the reference to public transportation expenditures now provided for under section 87*b* (3*c*) of the Act.

Section 2. Section 55 of the Act provides for an agreement between a local municipality and a county or suburban roads commission in respect of construction, widening or maintenance of all or part of a county or suburban road. The amendments remove the requirement that the approval to such agreements by the Minister be obtained and that the Minister settle any term or condition of an agreement that the parties are unable to agree upon.

Section 3. Section 56 of the Act provides for an agreement between a county and an urban municipality for maintenance or construction of a road. The repeal of the subsections removes the requirement of obtaining the approval of the Minister to such agreements and that the Minister settle any issues that the parties are unable to agree upon.

Section 4. The repeal of the subsection removes the requirement of obtaining Ministerial approval of county by-laws in respect of gasoline pumps and signs near roads under the jurisdiction and control of a county.

Section 5. The amendment removes the requirement that the approval of the Minister be obtained by a city or separated town for the issuance of debentures to raise moneys for work on suburban roads.

Section 6. The subsection is re-enacted to remove references to public transportation expenditures now provided for under section 87*b* (3*c*) of the Act.

BILL 157 **1974**

An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 47 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 61, section 6, is repealed and the following substituted therefor: s. 47 (5), re-enacted

(5) The total of all payments made to a county under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of money allocated to such county for that year under section 46. Limitation on payments

2.—(1) Subsection 2 of section 55 of the said Act is amended by striking out "but no work shall be done until the agreement has been approved in writing by the Minister" in the fourth and fifth lines. s. 55 (2), amended

(2) Subsection 6 of the said section 55 is repealed. s. 55 (6), repealed

(3) Subsection 8 of the said section 55 is amended by striking out "the Minister has approved" in the first line and inserting in lieu thereof "there is". s. 55 (8), amended

3. Subsections 2, 3 and 4 of section 56 of the said Act are repealed. s. 56 (2-4), repealed

4. Subsection 3 of section 61 of the said Act is repealed. s. 61 (3), repealed

5. Subsection 3 of section 68 of the said Act is amended by striking out "with the approval of the Minister" in the third and fourth lines. s. 68 (3), amended

6. Subsection 7 of section 74 of the said Act, as enacted by the s. 74 (7), re-enacted

Statutes of Ontario, 1971, chapter 61, section 9, is repealed and the following substituted therefor:

Limitation on payments

(7) The total of all payments made to a township under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such township for that year under section 71.

s. 78 (6), re-enacted

7. Subsection 6 of section 78 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 11, is repealed and the following substituted therefor:

Limitation on payments

(6) The total of all payments made to a municipality under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 77.

s. 84*d* (1) (*d*), amended

8.—(1) Clause *d* of subsection 1 of section 84*d* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 12, is amended by striking out "authorized by resolution of the council" in the first and second lines.

s. 84*d* (5), re-enacted

(2) Subsection 5 of the said section 84*d* is repealed and the following substituted therefor:

Limitation on payments

(5) The total of all payments made to a municipality under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 84*c*.

s. 87*a* (2) (*d*), amended

9. Clause *d* of subsection 2 of section 87*a* of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 67, section 20, is amended by striking out "authorized by resolution of the council of the municipality" in the first and second lines.

s. 87*b* (3*a*) (*d*), amended

10. Clause *d* of subsection 3*a* of section 87*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 67, section 21, is amended by striking out "authorized by resolution of the council of the municipality" in the first and second lines.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1974*.

SECTION 7. The subsection is re-enacted to remove references to public transportation expenditures now provided for under section 87*b* (3*c*) of the Act.

SECTION 8.—Subsection 1. The amendment removes the requirement that a request by a district, metropolitan or regional municipality for payment of moneys allocated for road improvements submitted to the Minister with a detailed statement of receipts and expenditures be authorized by resolution of the council of the municipality.

Subsection 2. The subsection is re-enacted to remove the reference to public transportation expenditures now provided for under section 87*b* (3*c*) of the Act.

SECTION 9. The amendment removes the requirement that a request by a municipality for payment of moneys allocated for rapid transit construction submitted to the Minister with a detailed statement of receipts and expenditures be authorized by resolution of the council of the municipality.

SECTION 10. The amendment removes the requirement that a request by a municipality for payment of moneys allocated for public transportation submitted to the Minister with a detailed statement of receipts and expenditures be authorized by resolution of the council of the municipality.

BILL 157

An Act to amend
The Public Transportation and
Highway Improvement Act

1st Reading

November 28th, 1974

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation and
Communications

(*Government Bill*)

1974

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BILL 157

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
Bills

An Act to amend The Public Transportation and Highway Improvement Act

THE HON. J. R. RHODES
Minister of Transportation and Communications



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 157 **1974**

An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 47 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 61, section 6, is repealed and the following substituted therefor: s. 47 (5), re-enacted

(5) The total of all payments made to a county under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of money allocated to such county for that year under section 46. Limitation on payments

2.—(1) Subsection 2 of section 55 of the said Act is amended by striking out "but no work shall be done until the agreement has been approved in writing by the Minister" in the fourth and fifth lines. s. 55 (2), amended

(2) Subsection 6 of the said section 55 is repealed. s. 55 (6), repealed

(3) Subsection 8 of the said section 55 is amended by striking out "the Minister has approved" in the first line and inserting in lieu thereof "there is". s. 55 (8), amended

3. Subsections 2, 3 and 4 of section 56 of the said Act are repealed. s. 56 (2-4), repealed

4. Subsection 3 of section 61 of the said Act is repealed. s. 61 (3), repealed

5. Subsection 3 of section 68 of the said Act is amended by striking out "with the approval of the Minister" in the third and fourth lines. s. 68 (3), amended

6. Subsection 7 of section 74 of the said Act, as enacted by the s. 74 (7), re-enacted

Statutes of Ontario, 1971, chapter 61, section 9, is repealed and the following substituted therefor:

Limitation on payments

(7) The total of all payments made to a township under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such township for that year under section 71.

s. 78 (6), re-enacted

7. Subsection 6 of section 78 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 11, is repealed and the following substituted therefor:

Limitation on payments

(6) The total of all payments made to a municipality under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 77.

s. 84*d* (1) (*d*), amended

8.—(1) Clause *d* of subsection 1 of section 84*d* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 12, is amended by striking out "authorized by resolution of the council" in the first and second lines.

s. 84*d* (5), re-enacted

(2) Subsection 5 of the said section 84*d* is repealed and the following substituted therefor:

Limitation on payments

(5) The total of all payments made to a municipality under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 84*c*.

s. 87*a* (2) (*d*), amended

9. Clause *d* of subsection 2 of section 87*a* of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 67, section 20, is amended by striking out "authorized by resolution of the council of the municipality" in the first and second lines.

s. 87*b* (3*a*) (*d*), amended

10. Clause *d* of subsection 3*a* of section 87*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 67, section 21, is amended by striking out "authorized by resolution of the council of the municipality" in the first and second lines.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1974*.

BILL 157

An Act to amend
The Public Transportation and
Highway Improvement Act

1st Reading

November 28th, 1974

2nd Reading

December 6th, 1974

3rd Reading

December 6th, 1974

THE HON. J. R. RHODES
Minister of Transportation and
Communications

1974

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Publications

BILL 158 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to establish the Ontario Energy Corporation

THE HON. W. D. McKEOUGH
Minister of Energy

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Explanatory Note

The Bill establishes a corporation with share capital to invest or otherwise participate in energy projects for the reasons set out in the Bill.

The Bill contains the following provisions:

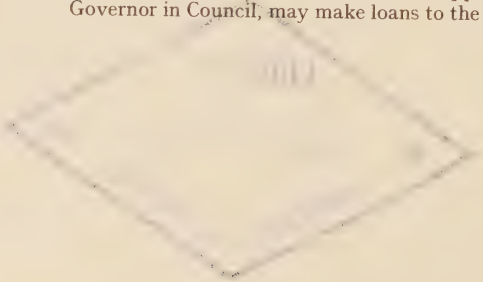
1. The share structure of the Corporation is divided into 2,000,000 common shares without par value and 20,000,000 special shares without par value that may be issued for such consideration as the Board of Directors of the Corporation may determine.

2. Limitations are placed on the extent of individual ownership and non-resident ownership of equity shares of the Corporation.

3. The bonds, debentures, notes and other evidences of indebtedness of the Corporation and the shares of the Corporation are made authorized investments for the purposes of *The Pension Benefits Act*, and *The Trustee Act*, for the funds of a corporation to which *The Loan and Trust Corporations Act* or *The Insurance Act* applies, and for moneys received for guaranteed investment or as deposits by a trust company registered under *The Loan and Trust Corporations Act*.

4. The Minister of Energy, on behalf of Her Majesty in right of Ontario, will at all times hold a majority of the outstanding shares of each class of equity shares of the Corporation.

5. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council, may make loans to the Corporation.



BILL 158 **1974**

An Act to establish the Ontario Energy Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "Board" means the Board of Directors of the Corporation;

(*b*) "Corporation" means the Ontario Energy Corporation;

(*c*) "Minister" means the Minister of Energy;

(*d*) "security" includes a bond, debenture, note or other evidence of indebtedness, share, unit, unit certificate, a certificate of share or interest in a trust, estate or association and a certificate of interest in an oil, gas or other hydrocarbon lease, claim or royalty certificate and a document constituting evidence of an interest in any royalties or leases or fractional or other interest therein;

(*e*) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Idem

(2) In this Act, the terms,

(*a*) "affiliate";

(*b*) "associate";

(*c*) "equity share"; and

(*d*) "resident Canadian",

R.S.O. 1970, c. 53

have the same meanings as in *The Business Corporations Act*.

Application of R.S.O. 1970, c. 53

2.—(1) Except as herein otherwise provided, the provisions of *The Business Corporations Act* apply to the Corporation.

Idem

(2) The provisions of sections 3 to 12, 16 and 189 to 254 of *The Business Corporations Act* do not apply to the Corporation and the Corporation shall not enter into any arrangement, amalgamation, continuation, winding up or dissolution within the meaning of *The Business Corporations Act*.

Corporation has powers of natural person

(3) The Corporation has all the capacity and power of a natural person and no act of the Corporation and no transfer of real or personal property to or by the Corporation and no issue or sale of securities by the Corporation, otherwise lawful, that is done or made is invalid by reason of the fact that the Corporation is without capacity or power to do such act or make or receive such transfer or issue or sell such securities.

Incorporation

3. There is hereby established a corporation with share capital under the name of "Ontario Energy Corporation".

Board of Directors

4.—(1) There shall be a Board of Directors of the Corporation consisting of five members and the first directors of the Corporation shall be appointed by the Lieutenant Governor in Council to hold office until their successors are elected by the shareholders of the Corporation.

Majority to be resident Canadians

(2) A majority of the members of the Board shall at all times be resident Canadians.

Change in number of directors

(3) The Corporation may by special by-law increase or decrease the number of its directors.

Filing of copy of by-law

(4) The Corporation shall file with the Minister of Consumer and Commercial Relations a certified copy of the by-law within ten days after the by-law has been confirmed by the shareholders of the Corporation.

Compliance with filing requirement

(5) Failure to comply with subsection 4 does not invalidate the by-law.

Head office

5. The head office of the Corporation shall be in The Municipality of Metropolitan Toronto.

Corporate objects

6. The objects of the Corporation are,

(*a*) to invest or otherwise participate in energy projects throughout Canada or elsewhere in order to,

(i) enhance the availability of energy in Ontario,

(ii) stimulate exploration for and the development of sources of energy,

(iii) stimulate expansion of the capability to produce energy,

(iv) encourage investment in energy projects and the effective use of financial, human and other resources in energy projects, and

(v) encourage the development of processes and equipment that will avoid the wasteful use of energy and that will minimize harm to the environment;

(*b*) to explore for, produce, manufacture, buy, transport, refine, sell and otherwise acquire, develop and deal in hydrocarbons and other forms of fuel and energy;

(*c*) to subscribe for, purchase, take in exchange or in payment or otherwise acquire, hold and own securities of any other person, firm or corporation having objects altogether or in part similar to those of the Corporation or carrying on any business capable of being conducted so as directly or indirectly to benefit the Corporation;

(*d*) to carry on any other trade or business that can be carried on advantageously as ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b* and *c*; and

(*e*) to guarantee, with or without security, the performance of contracts and the performance of the obligations or undertakings of any person, firm or corporation, including the payment of dividends, interest, principal and premium, if any, of or on any securities, mortgages or liabilities of any such person, firm or corporation.

Authorized capital

7.—(1) The authorized capital of the Corporation is divided into,

(*a*) 2,000,000 common shares without par value, to be issued for such consideration as the Board may from time to time determine; and

(*b*) 20,000,000 special shares without par value which may be issued in one or more series for such consideration as the Board may determine and, subject to the provisions of subsections 3, 4 and 5 and to the filing of the statement and the issuance of the certificate in respect thereof referred to in subsection 2 of section 30 of *The Business Corporations Act*, the Board may fix before the issuance of a series the number of shares that is to comprise the series and the designation, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to the series.

R.S.O. 1970, c. 53

Voting rights

(2) At all meetings of shareholders, the holders of the common shares shall be entitled to one vote for each common share held by them.

Idem

(3) The holders of the special shares shall not be entitled to vote at any meetings of the shareholders of the Corporation other than the meetings referred to in subsection 3 of section 8 but shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the sale of the undertaking of the Corporation or a substantial part thereof.

Ranking of series of shares

(4) The special shares of each series shall rank on a parity with the special shares of every other series with respect to payment of dividends and on the repayment of capital in the event of the liquidation, dissolution or winding up of the Corporation whether voluntary or involuntary.

Redemption of shares

(5) If the special shares of any series are made redeemable or purchasable for cancellation by the Corporation, the price at which such shares may be redeemed or purchased for cancellation shall not exceed the amount of the issued capital of the Corporation with respect to such shares determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* together with a premium of not more than 20 per cent of that amount and any dividends accrued and unpaid on such shares.

Amendment of authorized capital

8.—(1) The Corporation may from time to time,

(*a*) increase its authorized capital;

(*b*) decrease,

(i) its authorized capital by cancelling shares, whether issued or unissued and whether

with par value or without par value, or by reducing the par value of issued or unissued shares, or

(ii) its issued capital, if it has shares without par value,

and, where it has more capital than it requires, authorize the repayment of capital to the shareholders to the extent that the issued capital is decreased in any way under this clause;

(*c*) redivide its authorized capital into shares of lesser or greater par value;

(*d*) consolidate or subdivide any of its shares without par value;

(*e*) change any of its shares with par value into shares without par value;

(*f*) change any of its shares without par value into shares with par value;

(*g*) redesignate any class of shares;

(*h*) reclassify any shares with or without par value into shares of a different class;

(*i*) delete, vary or otherwise alter the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to a class of special shares.

Authorization

(2) An amendment under clause *a*, *b*, *c*, *d*, *e*, *f*, *g*, *h* or *i* of subsection 1 shall be authorized by special resolution.

Idem

(3) If the amendment is to delete or vary a preference, right, condition, restriction, limitation or prohibition attaching to a class of special shares or to create special shares ranking in any respect in priority to or on a parity with an existing class of special shares, then, in addition to the confirmation required by subsection 2, the resolution is not effective until it has been confirmed,

(*a*) by 100 per cent of the holders of the shares of such class or classes of shares in writing; or

(*b*) in writing by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of

such class or classes and after twenty-one days notice of the resolution and confirmation has been given by sending the notice to each of the holders of shares of such class or classes to his latest address as shown on the records of the Corporation and only if at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the Corporation; or

(*c*) if the preferences, rights, conditions, restrictions, limitations and prohibitions attaching to the shares of such class or classes so provide, by at least two-thirds of the votes cast at a meeting of the holders of such class or classes of shares duly called for that purpose.

Articles of amendment

(4) For the purpose of bringing into effect an amendment under subsection 1, the Corporation shall deliver to the Minister of Consumer and Commercial Relations within six months after the resolution has become effective, articles of amendment in duplicate, executed under the seal of the Corporation and signed by two officers, or by one director and one officer, of the Corporation and verified by affidavit of one of the officers or directors signing the articles of amendment, setting out,

(*a*) the name of the Corporation;

(*b*) a certified copy of the resolution;

(*c*) that the amendment has been duly authorized as required by subsections 2 and 3; and

(*d*) the date or dates of the confirmation of the resolution by the shareholders.

Decrease of capital

(5) Where the articles of amendment are to decrease the authorized or issued capital, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister of Consumer and Commercial Relations that the Corporation is not insolvent, and, if required by that Minister, by evidence that establishes to his satisfaction that no creditors object to the amendment.

Pro forma balance sheet

(6) The articles of amendment shall, if required by the Minister of Consumer and Commercial Relations, be accompanied by a *pro forma* balance sheet after giving effect to the proposed change.

Certificate

(7) The Minister of Consumer and Commercial Relations shall, when all prescribed fees have been paid,

(*a*) endorse on each duplicate of the articles of amendment the word "Filed" and the day, month and year of the filing thereof;

(*b*) file one of the duplicates in his office; and

(*c*) issue to the Corporation or its agent a certificate of amendment to which he shall affix the other duplicate.

(8) The amendment becomes effective upon the date set forth in the certificate of amendment and the capitalization of the Corporation is amended accordingly. Effect of certificate

9. The Corporation may purchase any of its issued common shares in accordance with the provisions of *The Business Corporations Act*. Purchase of common shares R.S.O. 1970, c. 53

10. The Board may from time to time, Borrowing powers

(*a*) borrow money upon the credit of the Corporation;

(*b*) issue, sell or pledge bonds, debentures, notes or other similar obligations of the Corporation, whether secured or unsecured;

(*c*) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable, property of the Corporation including book debts, rights, powers, franchises and undertakings, to secure any bonds, debentures, notes or other similar obligations of the Corporation, whether secured or unsecured, or any money borrowed or other debt or liability, contingent or otherwise, of the Corporation; and

(*d*) delegate the powers conferred on it under this section to such directors or officers of the Corporation and to such extent and manner as is set out in the by-laws or in specific resolutions of the Board.

11.—(1) The voting rights pertaining to any shares of the Corporation shall not be exercised when the shares are held in contravention of this Act or the by-laws of the Corporation. Voting rights not to be exercised in certain cases

(2) The validity of a transfer of shares of the Corporation that has been recorded in a register of transfers of the Corporation or the validity of an allotment of shares of the Transfer and allotment of shares held in contravention of Act

Corporation is not affected by the holding of such shares in contravention of this Act or the by-laws of the Corporation.

Voting of shares held in contravention of Act

(3) If the voting rights pertaining to any shares of the Corporation that are held in contravention of this Act or the by-laws of the Corporation are exercised at any meeting of the shareholders of the Corporation, no proceeding at that meeting is void by reason thereof, but any such proceeding, matter or thing is, at any time within one year from the date of commencement of the meeting at which such voting rights were exercised, voidable by a special by-law of the Corporation.

Not Crown agency R.S.O. 1970, c. 100

12. The Corporation is not an agent of Her Majesty nor a Crown agency for the purposes of *The Crown Agency Act*.

Interpretation

13.—(1) In this section, "non-resident" means any person other than,

(*a*) a resident Canadian;

(*b*) a corporation controlled by a resident Canadian or a group of resident Canadians;

(*c*) a corporation the majority of the equity shares of which are held by resident Canadians and which is not controlled by one or more non-residents;

(*d*) Her Majesty in right of Canada, Ontario or any other province of Canada or an agent or nominee of Her Majesty.

Equity shares owned or controlled by non-residents

(2) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction shall not at any time exceed 10 per cent of the total number of issued and outstanding equity shares of the Corporation.

Limit of individual ownership of equity shares

(3) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which the person exercises control or direction shall not at any time exceed 5 per cent of the total number of issued and outstanding equity shares of the Corporation.

Idem

(4) Subsection 3 does not apply in respect of any equity shares of the Corporation beneficially owned by Her Majesty in right of Canada, Ontario or any other province of Canada or by an agent or nominee of Her Majesty.

Where person deemed beneficial owner of equity shares

(5) For the purposes of this section, a person shall be deemed to own beneficially any equity shares of the Cor-

poration owned beneficially by any associate or affiliate of such person.

Controlled corporation

(6) For the purposes of this section, a corporation is controlled by another corporation, individual or trust if it is in fact effectively controlled by such other corporation, individual or trust, directly or indirectly, or through the holding of shares of the corporation or any other corporation, or through the holding of the outstanding debt of a corporation or individual, or by any other means whether of a like or different nature.

Calculation of total number of equity shares

(7) In calculating the total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which the person exercises control or direction for the purposes of this section, the total number shall be calculated as the total of all such equity shares, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries.

Statement by shareholder

(8) A shareholder of the Corporation shall, upon the request of the Board, file with the Board a statement verified by affidavit that sets out,

(*a*) the total number of equity shares of the Corporation beneficially owned or deemed to be owned, directly or indirectly, by the shareholder or over which the shareholder exercises control or direction;

(*b*) the name of any person other than the shareholder exercising control or direction over equity shares of the Corporation, the number of equity shares over which such control or direction is exercised and whether the person is a non-resident;

(*c*) whether the shareholder or any other person in whose right or for whose use or benefit any equity share of the Corporation is held by the shareholder is a non-resident;

(*d*) if the shareholder is a corporation or trust, information establishing that the shareholder is not a non-resident; and

(*e*) such other matters as the Board considers relevant in the circumstances for the purposes of this section.

Where statement not filed

(9) Where a shareholder does not file with the Board a statement verified by affidavit that sets out the information

requested by the Board pursuant to subsection 8 within thirty days from the day the statement was requested by the Board, the equity shares of the Corporation held by the shareholder shall be deemed to be held in contravention of this section until a statement verified by affidavit that sets out the information is filed with the Board.

Transfer of shares

(10) Within sixty days after the purchase or other acquisition of a share of the Corporation by any person, the certificate representing the share shall be presented to the Corporation for transfer into the name of the person, his designated nominee, trustee, executor or other personal representative, and shares not so presented for transfer shall be deemed to be held in contravention of this Act.

Cancellation of shares held in contravention of Act

14.—(1) Where any equity shares of the Corporation are held in contravention of this Act, the Corporation may, upon such notice to the holder thereof in such manner as may be prescribed by the by-laws, require such equity shares to be disposed of to a person or corporation who may be eligible to hold equity shares of the Corporation, within such period of time, not being less than sixty days nor more than 180 days or such longer period of time as may be approved by special resolution of the Corporation, as may be stipulated in the notice.

Idem

(2) Where the equity shares referred to in a notice given pursuant to subsection 1 have not been disposed of within the stipulated time, the Corporation may, at any time while the equity shares continue to be held in contravention of this Act, decrease its authorized and issued capital by cancelling the equity shares and the decrease is effective upon,

(*a*) the deposit by the Corporation of the amount of the capital repayment payable with respect to the equity shares in a special account with a chartered bank or trust company; and

(*b*) the giving by the Corporation of notice of cancellation to the holders of the equity shares in such manner as may be prescribed by the by-laws, including notice of the deposit referred to in clause *a*,

and thereupon the equity shares are cancelled and the rights of the holder and of any beneficial owners of the equity shares are terminated except for the right of the holder thereof to receive out of the amount so deposited, without interest, the capital repayment payable with respect thereto upon presentation and surrender of the certificates representing

the said equity shares, and any interest payable on the deposit shall be paid to the Corporation.

Application of moneys

(3) The Corporation is not bound to see to the application of the amount deposited or to the execution of any trust, whether express, implied or constructive, in respect of any equity shares cancelled under this section and the Corporation is not estopped by any certificates outstanding in respect of any equity shares cancelled.

Repayment of moneys

(4) In determining as at any particular time the capital repayment to be made on equity shares of the Corporation for the purpose of this section, the capital repayment shall be,

(*a*) in the case of a share with a par value, an amount equal to the par value thereof; and

(*b*) in the case of a share without par value, an amount equal to the per share amount of the issued capital of the Corporation with respect to the class of shares in question determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* as at the day before the day the deposit referred to in clause *a* of subsection 2 is made, provided that if the class of shares in question is listed on a stock exchange, the capital repayment shall be an amount equal to the lesser of, R.S.O. 1970, c. 53

(i) the per share amount of the issued capital of the Corporation with respect to the class of shares in question determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* as at the day before the day the deposit referred to in clause *a* of subsection 2 is made, and

(ii) the last sale price per share of the class of shares in question on the stock exchanges on which such shares are listed on the last business day before the day the deposit referred to in clause *a* of subsection 2 is made.

Filing of notice

(5) Where equity shares of the Corporation are cancelled pursuant to this section, the Corporation shall within thirty days of the date on which the cancellation is effected, file with the Minister of Consumer and Commercial Relations, a notice setting out the number of shares of the class cancelled and the date on which the cancellation was effected.

Idem

(6) Failure to comply with subsection 5 does not invalidate the decrease in the authorized and issued capital of the Corporation.

Non-application of s. 8

(7) The provisions of section 8 do not apply to any decrease of the authorized and issued capital of the Corporation pursuant to this section.

Liability of directors

15. In determining whether any equity shares are held in contravention of this Act or in making any determination in connection with any other circumstances relevant to the performance of their duties under this Act, the directors of the Corporation may rely upon any statement made in any statement submitted under subsection 8 of section 13 or rely upon their own knowledge of the circumstances and neither the Corporation nor the directors are liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

Authorized investments

16. The bonds, debentures, notes and other evidences of indebtedness of the Corporation and the shares of the Corporation are authorized investments for the purposes of *The Pension Benefits Act* and *The Trustee Act* and are authorized investments for,

R.S.O. 1970, cc. 342, 470

R.S.O. 1970, cc. 254, 224

(*a*) the funds of a corporation to which *The Loan and Trust Corporations Act* or *The Insurance Act* applies; and

(*b*) the moneys received by a trust company registered under *The Loan and Trust Corporations Act* for guaranteed investment or as deposits.

Shares may be acquired by Ontario

17.—(1) The Minister shall from time to time subscribe for, purchase and hold shares of the Corporation on behalf of Her Majesty in right of Ontario and shall hold at all times a majority of the issued shares of each class of equity shares of the Corporation.

Registration and voting of shares purchased by Ontario

(2) Shares of the Corporation purchased on behalf of Her Majesty in right on Ontario shall be registered in the books of the Corporation in the name of Her Majesty in right of Ontario as represented by the Minister and may be voted by the Minister or his duly authorized nominee on behalf of Her Majesty in accordance with such regulations as the Lieutenant Governor in Council may prescribe.

Authority to loan money to Corporation

18.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms

and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold as evidence thereof bonds, debentures, notes or other evidences of indebtedness of the Corporation.

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund. Payment of moneys

19. Notwithstanding any other provision of this Act, so long as at least 90 per cent of the issued shares of the Corporation are owned by Her Majesty in right of Ontario, no indebtedness shall be incurred by the Corporation for borrowed money and no securities of the Corporation shall be issued by the Corporation and no securities of the Corporation shall be sold or otherwise disposed of by Her Majesty in right of Ontario except with the approval of the Lieutenant Governor in Council. Where approval required to incur debt or issue securities

20. The moneys required for the purposes of section 17 shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter may be paid out of the moneys appropriated therefor by the Legislature. Moneys

21. The Lieutenant Governor in Council may make regulations respecting any matter that the Lieutenant Governor in Council considers necessary relating to, Regulations

(*a*) the voting by the Minister or his duly authorized nominee in respect of shares of the Corporation held by the Minister;

(*b*) terms and conditions that shall apply to the making of loans to the Corporation by the Treasurer of Ontario.

22.—(1) The Corporation shall, after the close of each fiscal year of the Corporation, deliver to the Minister an annual report upon the affairs of the Corporation approved by the Board and the approval shall be evidenced by the signatures of two directors of the Corporation duly authorized to sign the report. Annual report

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Idem

Additional reports

(3) In addition to making an annual report under subsection 1, the Corporation shall make to the Minister such other report on its affairs as the Minister from time to time may require.

Commencement

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. This Act may be cited as *The Ontario Energy Corporation Act, 1974*.

BILL 158

An Act to establish
the Ontario Energy Corporation

1st Reading

November 28th, 1974

2nd Reading

3rd Reading

THE HON. W. D. MCKEOUGH
Minister of Energy

(*Government Bill*)

Ontario. Legislative Assembly

BILL 158

Government Publications

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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974



An Act to establish the Ontario Energy Corporation

THE HON. W. D. MCKEOUGH
Minister of Energy

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BILL 158 **1974**

An Act to establish the Ontario Energy Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "Board" means the Board of Directors of the Corporation;

(*b*) "Corporation" means the Ontario Energy Corporation;

(*c*) "Minister" means the Minister of Energy;

(*d*) "security" includes a bond, debenture, note or other evidence of indebtedness, share, unit, unit certificate, a certificate of share or interest in a trust, estate or association and a certificate of interest in an oil, gas or other hydrocarbon lease, claim or royalty certificate and a document constituting evidence of an interest in any royalties or leases or fractional or other interest therein;

(*e*) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

(2) In this Act, the terms, Idem

(*a*) "affiliate";

(*b*) "associate";

(*c*) "equity share"; and

(*d*) "resident Canadian",

R.S.O. 1970, c. 53

have the same meanings as in *The Business Corporations Act*.

Application of R.S.O. 1970, c. 53

2.—(1) Except as herein otherwise provided, the provisions of *The Business Corporations Act* apply to the Corporation.

Idem

(2) The provisions of sections 3 to 12, 16 and 189 to 254 of *The Business Corporations Act* do not apply to the Corporation and the Corporation shall not enter into any arrangement, amalgamation, continuation, winding up or dissolution within the meaning of *The Business Corporations Act*.

Corporation has powers of natural person

(3) The Corporation has all the capacity and power of a natural person and no act of the Corporation and no transfer of real or personal property to or by the Corporation and no issue or sale of securities by the Corporation, otherwise lawful, that is done or made is invalid by reason of the fact that the Corporation is without capacity or power to do such act or make or receive such transfer or issue or sell such securities.

Incorporation

3. There is hereby established a corporation with share capital under the name of "Ontario Energy Corporation".

Board of Directors

4.—(1) There shall be a Board of Directors of the Corporation consisting of five members and the first directors of the Corporation shall be appointed by the Lieutenant Governor in Council to hold office until their successors are elected by the shareholders of the Corporation.

Majority to be resident Canadians

(2) A majority of the members of the Board shall at all times be resident Canadians.

Change in number of directors

(3) The Corporation may by special by-law increase or decrease the number of its directors.

Filing of copy of by-law

(4) The Corporation shall file with the Minister of Consumer and Commercial Relations a certified copy of the by-law within ten days after the by-law has been confirmed by the shareholders of the Corporation.

Compliance with filing requirement

(5) Failure to comply with subsection 4 does not invalidate the by-law.

Head office

5. The head office of the Corporation shall be in The Municipality of Metropolitan Toronto.

Corporate objects

6. The objects of the Corporation are,

(*a*) to invest or otherwise participate in energy projects throughout Canada or elsewhere in order to,

(i) enhance the availability of energy in Ontario,

(ii) stimulate exploration for and the development of sources of energy,

(iii) stimulate expansion of the capability to produce energy,

(iv) encourage investment in energy projects and the effective use of financial, human and other resources in energy projects, and

(v) encourage the development of processes and equipment that will avoid the wasteful use of energy and that will minimize harm to the environment;

(*b*) to explore for, produce, manufacture, buy, transport, refine, sell and otherwise acquire, develop and deal in hydrocarbons and other forms of fuel and energy;

(*c*) to subscribe for, purchase, take in exchange or in payment or otherwise acquire, hold and own securities of any other person, firm or corporation having objects altogether or in part similar to those of the Corporation or carrying on any business capable of being conducted so as directly or indirectly to benefit the Corporation;

(*d*) to carry on any other trade or business that can be carried on advantageously as ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b* and *c*; and

(*e*) to guarantee, with or without security, the performance of contracts and the performance of the obligations or undertakings of any person, firm or corporation, including the payment of dividends, interest, principal and premium, if any, of or on any securities, mortgages or liabilities of any such person, firm or corporation.

Authorized capital

7.—(1) The authorized capital of the Corporation is divided into,

(*a*) 2,000,000 common shares without par value, to be issued for such consideration as the Board may from time to time determine; and

(*b*) 20,000,000 special shares without par value which may be issued in one or more series for such consideration as the Board may determine and, subject to the provisions of subsections 3, 4 and 5 and to the filing of the statement and the issuance of the certificate in respect thereof referred to in subsection 2 of section 30 of *The Business Corporations Act*, the Board may fix before the issuance of a series the number of shares that is to comprise the series and the designation, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to the series.

R.S.O. 1970, c. 53

Voting rights

(2) At all meetings of shareholders, the holders of the common shares shall be entitled to one vote for each common share held by them.

Idem

(3) The holders of the special shares shall not be entitled to vote at any meetings of the shareholders of the Corporation other than the meetings referred to in subsection 3 of section 8 but shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the sale of the undertaking of the Corporation or a substantial part thereof.

Ranking of series of shares

(4) The special shares of each series shall rank on a parity with the special shares of every other series with respect to payment of dividends and on the repayment of capital in the event of the liquidation, dissolution or winding up of the Corporation whether voluntary or involuntary.

Redemption of shares

(5) If the special shares of any series are made redeemable or purchasable for cancellation by the Corporation, the price at which such shares may be redeemed or purchased for cancellation shall not exceed the amount of the issued capital of the Corporation with respect to such shares determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* together with a premium of not more than 20 per cent of that amount and any dividends accrued and unpaid on such shares.

Amendment of authorized capital

8.—(1) The Corporation may from time to time,

(*a*) increase its authorized capital;

(*b*) decrease,

(i) its authorized capital by cancelling shares, whether issued or unissued and whether

with par value or without par value, or by reducing the par value of issued or unissued shares, or

(ii) its issued capital, if it has shares without par value,

and, where it has more capital than it requires, authorize the repayment of capital to the shareholders to the extent that the issued capital is decreased in any way under this clause;

(*c*) redivide its authorized capital into shares of lesser or greater par value;

(*d*) consolidate or subdivide any of its shares without par value;

(*e*) change any of its shares with par value into shares without par value;

(*f*) change any of its shares without par value into shares with par value;

(*g*) redesignate any class of shares;

(*h*) reclassify any shares with or without par value into shares of a different class;

(*i*) delete, vary or otherwise alter the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to a class of special shares.

Authorization

(2) An amendment under clause *a*, *b*, *c*, *d*, *e*, *f*, *g*, *h* or *i* of subsection 1 shall be authorized by special resolution.

Idem

(3) If the amendment is to delete or vary a preference, right, condition, restriction, limitation or prohibition attaching to a class of special shares or to create special shares ranking in any respect in priority to or on a parity with an existing class of special shares, then, in addition to the confirmation required by subsection 2, the resolution is not effective until it has been confirmed,

(*a*) by 100 per cent of the holders of the shares of such class or classes of shares in writing; or

(*b*) in writing by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of

such class or classes and after twenty-one days notice of the resolution and confirmation has been given by sending the notice to each of the holders of shares of such class or classes to his latest address as shown on the records of the Corporation and only if at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the Corporation; or

(*c*) if the preferences, rights, conditions, restrictions, limitations and prohibitions attaching to the shares of such class or classes so provide, by at least two-thirds of the votes cast at a meeting of the holders of such class or classes of shares duly called for that purpose.

Articles of amendment

(4) For the purpose of bringing into effect an amendment under subsection 1, the Corporation shall deliver to the Minister of Consumer and Commercial Relations within six months after the resolution has become effective, articles of amendment in duplicate, executed under the seal of the Corporation and signed by two officers, or by one director and one officer, of the Corporation and verified by affidavit of one of the officers or directors signing the articles of amendment, setting out,

(*a*) the name of the Corporation;

(*b*) a certified copy of the resolution;

(*c*) that the amendment has been duly authorized as required by subsections 2 and 3; and

(*d*) the date or dates of the confirmation of the resolution by the shareholders.

Decrease of capital

(5) Where the articles of amendment are to decrease the authorized or issued capital, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister of Consumer and Commercial Relations that the Corporation is not insolvent, and, if required by that Minister, by evidence that establishes to his satisfaction that no creditors object to the amendment.

Pro forma balance sheet

(6) The articles of amendment shall, if required by the Minister of Consumer and Commercial Relations, be accompanied by a *pro forma* balance sheet after giving effect to the proposed change.

Certificate

(7) The Minister of Consumer and Commercial Relations shall, when all prescribed fees have been paid,

(*a*) endorse on each duplicate of the articles of amendment the word "Filed" and the day, month and year of the filing thereof;

(*b*) file one of the duplicates in his office; and

(*c*) issue to the Corporation or its agent a certificate of amendment to which he shall affix the other duplicate.

Effect of certificate

(8) The amendment becomes effective upon the date set forth in the certificate of amendment and the capitalization of the Corporation is amended accordingly.

Purchase of common shares

9. The Corporation may purchase any of its issued common shares in accordance with the provisions of *The Business Corporations Act*.

R.S.O. 1970, c. 53

Borrowing powers

10. The Board may from time to time,

(*a*) borrow money upon the credit of the Corporation;

(*b*) issue, sell or pledge bonds, debentures, notes or other similar obligations of the Corporation, whether secured or unsecured;

(*c*) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable, property of the Corporation including book debts, rights, powers, franchises and undertakings, to secure any bonds, debentures, notes or other similar obligations of the Corporation, whether secured or unsecured, or any money borrowed or other debt or liability, contingent or otherwise, of the Corporation; and

(*d*) delegate the powers conferred on it under this section to such directors or officers of the Corporation and to such extent and manner as is set out in the by-laws or in specific resolutions of the Board.

Voting rights not to be exercised in certain cases

11.—(1) The voting rights pertaining to any shares of the Corporation shall not be exercised when the shares are held in contravention of this Act or the by-laws of the Corporation.

Transfer and allotment of shares held in contravention of Act

(2) The validity of a transfer of shares of the Corporation that has been recorded in a register of transfers of the Corporation or the validity of an allotment of shares of the

Corporation is not affected by the holding of such shares in contravention of this Act or the by-laws of the Corporation.

Voting of shares held in contravention of Act

(3) If the voting rights pertaining to any shares of the Corporation that are held in contravention of this Act or the by-laws of the Corporation are exercised at any meeting of the shareholders of the Corporation, no proceeding at that meeting is void by reason thereof, but any such proceeding, matter or thing is, at any time within one year from the date of commencement of the meeting at which such voting rights were exercised, voidable by a special by-law of the Corporation.

Not Crown agency R.S.O. 1970, c. 100

12. The Corporation is not an agent of Her Majesty nor a Crown agency for the purposes of *The Crown Agency Act*.

Interpretation

13.—(1) In this section, "non-resident" means any person other than,

(*a*) a resident Canadian;

(*b*) a corporation controlled by a resident Canadian or a group of resident Canadians;

(*c*) a corporation the majority of the equity shares of which are held by resident Canadians and which is not controlled by one or more non-residents;

(*d*) Her Majesty in right of Canada, Ontario or any other province of Canada or an agent or nominee of Her Majesty.

Equity shares owned or controlled by non-residents

(2) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction shall not at any time exceed 10 per cent of the total number of issued and outstanding equity shares of the Corporation.

Limit of individual ownership of equity shares

(3) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which the person exercises control or direction shall not at any time exceed 5 per cent of the total number of issued and outstanding equity shares of the Corporation.

Idem

(4) Subsection 3 does not apply in respect of any equity shares of the Corporation beneficially owned by Her Majesty in right of Canada, Ontario or any other province of Canada or by an agent or nominee of Her Majesty.

Where person deemed beneficial owner of equity shares

(5) For the purposes of this section, a person shall be deemed to own beneficially any equity shares of the Cor-

poration owned beneficially by any associate or affiliate of such person.

Controlled corporation

(6) For the purposes of this section, a corporation is controlled by another corporation, individual or trust if it is in fact effectively controlled by such other corporation, individual or trust, directly or indirectly, or through the holding of shares of the corporation or any other corporation, or through the holding of the outstanding debt of a corporation or individual, or by any other means whether of a like or different nature.

Calculation of total number of equity shares

(7) In calculating the total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which the person exercises control or direction for the purposes of this section, the total number shall be calculated as the total of all such equity shares, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries.

Statement by shareholder

(8) A shareholder of the Corporation shall, upon the request of the Board, file with the Board a statement verified by affidavit that sets out,

(*a*) the total number of equity shares of the Corporation beneficially owned or deemed to be owned, directly or indirectly, by the shareholder or over which the shareholder exercises control or direction;

(*b*) the name of any person other than the shareholder exercising control or direction over equity shares of the Corporation, the number of equity shares over which such control or direction is exercised and whether the person is a non-resident;

(*c*) whether the shareholder or any other person in whose right or for whose use or benefit any equity share of the Corporation is held by the shareholder is a non-resident;

(*d*) if the shareholder is a corporation or trust, information establishing that the shareholder is not a non-resident; and

(*e*) such other matters as the Board considers relevant in the circumstances for the purposes of this section.

Where statement not filed

(9) Where a shareholder does not file with the Board a statement verified by affidavit that sets out the information

requested by the Board pursuant to subsection 8 within thirty days from the day the statement was requested by the Board, the equity shares of the Corporation held by the shareholder shall be deemed to be held in contravention of this section until a statement verified by affidavit that sets out the information is filed with the Board.

Transfer of shares

(10) Within sixty days after the purchase or other acquisition of a share of the Corporation by any person, the certificate representing the share shall be presented to the Corporation for transfer into the name of the person, his designated nominee, trustee, executor or other personal representative, and shares not so presented for transfer shall be deemed to be held in contravention of this Act.

Cancellation of shares held in contravention of Act

14.—(1) Where any equity shares of the Corporation are held in contravention of this Act, the Corporation may, upon such notice to the holder thereof in such manner as may be prescribed by the by-laws, require such equity shares to be disposed of to a person or corporation who may be eligible to hold equity shares of the Corporation, within such period of time, not being less than sixty days nor more than 180 days or such longer period of time as may be approved by special resolution of the Corporation, as may be stipulated in the notice.

Idem

(2) Where the equity shares referred to in a notice given pursuant to subsection 1 have not been disposed of within the stipulated time, the Corporation may, at any time while the equity shares continue to be held in contravention of this Act, decrease its authorized and issued capital by cancelling the equity shares and the decrease is effective upon,

(*a*) the deposit by the Corporation of the amount of the capital repayment payable with respect to the equity shares in a special account with a chartered bank or trust company; and

(*b*) the giving by the Corporation of notice of cancellation to the holders of the equity shares in such manner as may be prescribed by the by-laws, including notice of the deposit referred to in clause *a*,

and thereupon the equity shares are cancelled and the rights of the holder and of any beneficial owners of the equity shares are terminated except for the right of the holder thereof to receive out of the amount so deposited, without interest, the capital repayment payable with respect thereto upon presentation and surrender of the certificates representing

the said equity shares, and any interest payable on the deposit shall be paid to the Corporation.

Application of moneys

(3) The Corporation is not bound to see to the application of the amount deposited or to the execution of any trust, whether express, implied or constructive, in respect of any equity shares cancelled under this section and the Corporation is not estopped by any certificates outstanding in respect of any equity shares cancelled.

Repayment of moneys

(4) In determining as at any particular time the capital repayment to be made on equity shares of the Corporation for the purpose of this section, the capital repayment shall be,

(*a*) in the case of a share with a par value, an amount equal to the par value thereof; and

(*b*) in the case of a share without par value, an amount equal to the per share amount of the issued capital of the Corporation with respect to the class of shares in question determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* as at the day before the day the deposit referred to in clause *a* of subsection 2 is made, provided that if the class of shares in question is listed on a stock exchange, the capital repayment shall be an amount equal to the lesser of, R.S.O. 1970, c. 53

(i) the per share amount of the issued capital of the Corporation with respect to the class of shares in question determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* as at the day before the day the deposit referred to in clause *a* of subsection 2 is made, and

(ii) the last sale price per share of the class of shares in question on the stock exchanges on which such shares are listed on the last business day before the day the deposit referred to in clause *a* of subsection 2 is made.

Filing of notice

(5) Where equity shares of the Corporation are cancelled pursuant to this section, the Corporation shall within thirty days of the date on which the cancellation is effected, file with the Minister of Consumer and Commercial Relations, a notice setting out the number of shares of the class cancelled and the date on which the cancellation was effected.

Idem

(6) Failure to comply with subsection 5 does not invalidate the decrease in the authorized and issued capital of the Corporation.

Non-application of s. 8

(7) The provisions of section 8 do not apply to any decrease of the authorized and issued capital of the Corporation pursuant to this section.

Liability of directors

15. In determining whether any equity shares are held in contravention of this Act or in making any determination in connection with any other circumstances relevant to the performance of their duties under this Act, the directors of the Corporation may rely upon any statement made in any statement submitted under subsection 8 of section 13 or rely upon their own knowledge of the circumstances and neither the Corporation nor the directors are liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

Authorized investments

16. The bonds, debentures, notes and other evidences of indebtedness of the Corporation and the shares of the Corporation are authorized investments for the purposes of *The Pension Benefits Act* and *The Trustee Act* and are authorized investments for,

R.S.O. 1970, cc. 342, 470

R.S.O. 1970, cc. 254, 224

(*a*) the funds of a corporation to which *The Loan and Trust Corporations Act* or *The Insurance Act* applies; and

(*b*) the moneys received by a trust company registered under *The Loan and Trust Corporations Act* for guaranteed investment or as deposits.

Shares may be acquired by Ontario

17.—(1) The Minister shall from time to time subscribe for, purchase and hold shares of the Corporation on behalf of Her Majesty in right of Ontario and shall hold at all times a majority of the issued shares of each class of equity shares of the Corporation.

Registration and voting of shares purchased by Ontario

(2) Shares of the Corporation purchased on behalf of Her Majesty in right on Ontario shall be registered in the books of the Corporation in the name of Her Majesty in right of Ontario as represented by the Minister and may be voted by the Minister or his duly authorized nominee on behalf of Her Majesty in accordance with such regulations as the Lieutenant Governor in Council may prescribe.

Authority to loan money to Corporation

18.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms

and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold as evidence thereof bonds, debentures, notes or other evidences of indebtedness of the Corporation.

Payment of moneys

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Where approval required to incur debt or issue securities

19. Notwithstanding any other provision of this Act, so long as at least 90 per cent of the issued shares of the Corporation are owned by Her Majesty in right of Ontario, no indebtedness shall be incurred by the Corporation for borrowed money and no securities of the Corporation shall be issued by the Corporation and no securities of the Corporation shall be sold or otherwise disposed of by Her Majesty in right of Ontario except with the approval of the Lieutenant Governor in Council.

Moneys

20. The moneys required for the purposes of section 17 shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter may be paid out of the moneys appropriated therefor by the Legislature.

Regulations

21. The Lieutenant Governor in Council may make regulations respecting any matter that the Lieutenant Governor in Council considers necessary relating to,

(*a*) the voting by the Minister or his duly authorized nominee in respect of shares of the Corporation held by the Minister;

(*b*) terms and conditions that shall apply to the making of loans to the Corporation by the Treasurer of Ontario.

Annual report

22.—(1) The Corporation shall, after the close of each fiscal year of the Corporation, deliver to the Minister an annual report upon the affairs of the Corporation approved by the Board and the approval shall be evidenced by the signatures of two directors of the Corporation duly authorized to sign the report.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Additional reports

(3) In addition to making an annual report under subsection 1, the Corporation shall make to the Minister such other report on its affairs as the Minister from time to time may require.

Commencement

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. This Act may be cited as *The Ontario Energy Corporation Act, 1974*.

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1st Reading

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2nd Reading

December 5th, 1974

3rd Reading

December 6th, 1974

THE HON. W. D. MCKEOUGH
Minister of Energy

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Government
Publications

BILL 159

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The Family Benefits Act

MR. MARTEL



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the amendment is to remove any reference to the sex of the parent, thereby enabling either the mother or father of the child to be eligible for benefits.



BILL 159 **1974**

An Act to amend The Family Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 7 of *The Family Benefits Act*, being chapter 157 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7 (1) (*d*), re-enacted

(*d*) who is a single parent with a dependent child and,

(i) who is a widow or widower, or

(ii) whose spouse has deserted the family for three months or more, or

(iii) whose spouse is a patient in a sanatorium, hospital or similar institution, or

(iv) whose spouse is imprisoned in a penal institution and at the date of the application has a term of imprisonment remaining to be served of six months or more, or

(v) who is divorced from the parent of the dependent child and has not remarried, or

(vi) a mother, whose dependent child was born out of wedlock, where the mother is sixteen years or more of age and her dependent child is three months or more of age; or

. . . . .

(2) Clause *e* of subsection 1 of the said section 7, as re-enacted by the Statutes of Ontario, 1971, chapter 92, section 4, is repealed. s. 7 (1) (*e*), repealed

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Family Benefits Amendment Act, 1974*.

BILL 159

An Act to amend
The Family Benefits Act

1st Reading

November 28th, 1974

2nd Reading

3rd Reading

MR. MARTEL

(*Private Member's Bill*)

CA2ON
XB
-B56

Government
Publications

BILL 160 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The Ontario Municipal Employees Retirement System Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

General. The Bill authorizes the OMERS Board to retain in each year commencing in 1975 a portion of the money that has accumulated to the credit of the Fund and to invest such moneys as pension fund moneys, subject to the limitations of *The Pension Benefits Act*.

Section 1. The new subsection 3 of section 3 of the Act clarifies the classes of officers, employees and others that the Board may appoint to carry out its responsibilities. The new subsections 4, 5 and 5*a* authorize the appointment by the Board of an investment policy committee to which may be delegated the power to invest the moneys the Board may now retain for that purpose, provide for the committee's quorum and the assigning by the committee to an officer or officers of the Board certain of its duties. The new subsection 5*b* authorizes the Board to assign to the persons mentioned in subsection 3 certain of its duties.



BILL 160 **1974**

An Act to amend The Ontario Municipal Employees Retirement System Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3, 4 and 5 of section 3 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 3 (3-5), re-enacted

(3) The Board shall appoint or cause to be appointed such officers, employees, legally qualified medical practitioners and advisers as are necessary to carry out the responsibilities of the Board and shall appoint an auditor and an actuary and determine the remuneration of all such persons. Appointment of officers and employees

(4) The Board may appoint an investment policy committee that shall be composed of members of the Board, officers of the Board and other persons with senior investment or other financial management experience and determine their remuneration and may delegate to the committee, subject to any restrictions which may be imposed by the Board, the power to invest the portion of the Fund mentioned in subsection *3a* of section 7. Investment policy committee

(5) The investment policy committee may fix its quorum, which shall be not less than a majority of its members. Quorum

(5*a*) The investment policy committee, with the approval of the Board, may, in accordance with policies established by the committee, assign to an officer or officers of the Board such of its duties as it decides are necessary or desirable. Officers

(5*b*) The Board may make rules and regulations for the management and administration of the System and Rules and regulations

may assign to the persons mentioned in subsection 3 such of its duties as it decides are necessary or desirable.

s. 4 (3), amended

2. Subsection 3 of section 4 of the said Act is amended by inserting after "investments" in the second line "plus profits less losses on the sale of investments".

s. 7 (3), re-enacted

3. Subsection 3 of section 7 of the said Act is repealed and the following substituted therefor:

Debentures to be issued

(3) Commencing in the year 1970, the Board shall pay over to the Treasurer of Ontario from time to time money accumulated to the credit of the Fund and not required for current expenditures for the year and the Treasurer shall issue to the Board at the end of each year a Province of Ontario debenture for the amount of such money, such debenture to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of long term debentures and bonds issued or guaranteed by the Province in the Canadian capital market in such year and such debenture shall be for a term of not less than twenty years and not more than thirty years.

Money retained by the Board

(3*a*) Notwithstanding subsection 3, commencing in the year 1975, a portion of the money accumulated to the credit of the Fund and not required for current expenditures, as shall be agreed upon between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council, shall be retained by the Board.

Money retained to be invested

R.S.O. 1970, c. 342

(3*b*) The portion of the money retained by the Board shall form part of the Fund and the Board shall invest such part of the Fund as pension fund moneys subject to the limitations of *The Pension Benefits Act* and for the purposes of that Act such part of the Fund shall be treated as a separate pension fund.

s. 13 (*c*), amended

4. Clause *c* of section 13 of the said Act is amended by striking out "the temporary investment of any moneys of the Fund" in the third line.

s. 15, re-enacted

5. Section 15 of the said Act is repealed and the following substituted therefor:

Administration of other plans or funds

15.—(1) The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such administration from such plan or fund.

SECTION 2. The effect of the amendment is to provide that net profits on the sale of any investments be deposited in the Fund.

SECTION 3. The new subsection 3 of section 7 of the Act consolidates subsection 4 of section 3 of the Act and the present subsection 3 of section 7; in addition, the description of Province of Ontario debentures that determine the rate of interest payable to OMERS is changed by adding the expressions "long term" and "in the Canadian capital market".

The new subsection 3*a* provides for the Board retaining such portion of the money accumulated to the credit of the Fund as may be agreed upon between the Board and the Treasurer of Ontario and approved by the Lieutenant Governor in Council. The new subsection 3*b* provides for the investment of the moneys so retained.

SECTION 4. The amendment deletes the power to make regulations governing the termporary investment of any moneys of the Fund; the Board is now empowered to make such investments under section 3 of the Bill.

SECTION 5. The section of the Act providing for the administration by the Board of other pension plans or funds is restated in the interests of clarity.

(2) Money accumulated from time to time in a pension plan or fund mentioned in subsection 1, which is not required for the current expenditures of such plan or fund, may be deposited in the Fund. Money deposited in Fund

(3) The return to be credited by the Fund to a pension plan or fund mentioned in subsection 1 shall be as provided for in an agreement mentioned in subsection 1. Return credited by Fund

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1974*. Short title

BILL 160

An Act to amend
The Ontario Municipal Employees
Retirement System Act

1st Reading

November 29th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(*Government Bill*)

Ontario. Legislative Assembly

BILL 160

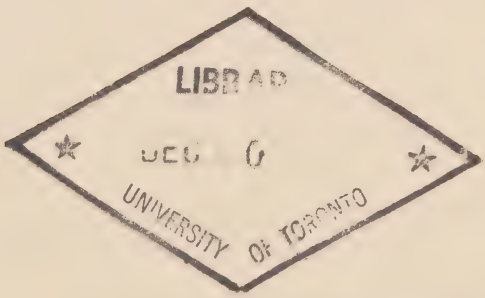
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4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Ontario Municipal Employees Retirement System Act

The Hon. J. White
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

BILL 160 **1974**

An Act to amend The Ontario Municipal Employees Retirement System Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3, 4 and 5 of section 3 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 3 (3-5), re-enacted

(3) The Board shall appoint or cause to be appointed such officers, employees, legally qualified medical practitioners and advisers as are necessary to carry out the responsibilities of the Board and shall appoint an auditor and an actuary and determine the remuneration of all such persons. Appointment of officers and employees

(4) The Board may appoint an investment policy committee that shall be composed of members of the Board, officers of the Board and other persons with senior investment or other financial management experience and determine their remuneration and may delegate to the committee, subject to any restrictions which may be imposed by the Board, the power to invest the portion of the Fund mentioned in subsection 3*a* of section 7. Investment policy committee

(5) The investment policy committee may fix its quorum, which shall be not less than a majority of its members. Quorum

(5*a*) The investment policy committee, with the approval of the Board, may, in accordance with policies established by the committee, assign to an officer or officers of the Board such of its duties as it decides are necessary or desirable. Officers

(5*b*) The Board may make rules and regulations for the management and administration of the System and Rules and regulations

may assign to the persons mentioned in subsection 3 such of its duties as it decides are necessary or desirable.

s. 4 (3), amended

2. Subsection 3 of section 4 of the said Act is amended by inserting after "investments" in the second line "plus profits less losses on the sale of investments".

s. 7 (3), re-enacted

3. Subsection 3 of section 7 of the said Act is repealed and the following substituted therefor:

Debentures to be issued

(3) Commencing in the year 1970, the Board shall pay over to the Treasurer of Ontario from time to time money accumulated to the credit of the Fund and not required for current expenditures for the year and the Treasurer shall issue to the Board at the end of each year a Province of Ontario debenture for the amount of such money, such debenture to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of long term debentures and bonds issued or guaranteed by the Province in the Canadian capital market in such year and such debenture shall be for a term of not less than twenty years and not more than thirty years.

Money retained by the Board

(3*a*) Notwithstanding subsection 3, commencing in the year 1975, a portion of the money accumulated to the credit of the Fund and not required for current expenditures, as shall be agreed upon between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council, shall be retained by the Board.

Money retained to be invested

(3*b*) The portion of the money retained by the Board shall form part of the Fund and the Board shall invest such part of the Fund as pension fund moneys subject to the limitations of *The Pension Benefits Act* and for the purposes of that Act such part of the Fund shall be treated as a separate pension fund.

R.S.O. 1970, c. 342

s. 13 (*c*), amended

4. Clause *c* of section 13 of the said Act is amended by striking out "the temporary investment of any moneys of the Fund" in the third line.

s. 15, re-enacted

5. Section 15 of the said Act is repealed and the following substituted therefor:

Administration of other plans or funds

15.—(1) The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such administration from such plan or fund.

(2) Money accumulated from time to time in a pension plan or fund mentioned in subsection 1, which is not required for the current expenditures of such plan or fund, may be deposited in the Fund. Money deposited in Fund

(3) The return to be credited by the Fund to a pension plan or fund mentioned in subsection 1 shall be as provided for in an agreement mentioned in subsection 1. Return credited by Fund

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1974*. Short title

BILL 160

An Act to amend
The Ontario Municipal Employees
Retirement System Act

1st Reading

November 29th, 1974

2nd Reading

December 3rd, 1974

3rd Reading

December 3rd, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

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Government
Publications

BILL 161

Government Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Legislative Assembly
Bills

The Motorized Snow Vehicles Act, 1974

The Hon. J. R. Rhodes
Minister of Transportation and Communications



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Note

This Bill provides for the registration of motorized snow vehicles and prescribes provisions governing the operation and use of motorized snow vehicles. Among the principal features of the Bill are the following:

1. Snowmobiles may be driven only under the authority of a permit.

2. Dealers are required to register snowmobiles on behalf of purchasers.

3. Registration numbers shall be issued along with a permit and the registration numbers are to be painted on or attached to the vehicles.

4. Manufacturers of snowmobiles and persons resident outside of Ontario are exempt from the registration and permit required in certain specified circumstances.

5. Driving a snowmobile on a serviced roadway of the King's Highway or secondary highway is prohibited subject to exception as provided by regulation.

6. Councils of local municipalities, of counties and of district, metropolitan or regional municipalities may pass by-laws regulating and governing the operation of snowmobiles.

7. Every driver of a snowmobile on a public trail or highway is required to have a driver's licence or a motorized snow vehicle operator's licence and there are age limits set for driving along highways, across highways and upon public trails.

8. Twelve is the minimum age at which a person may obtain a motorized snow vehicle operator's licence.

9. All drivers of snowmobiles are required to be insured and to produce evidence of insurance to a police officer, constable or conservation officer upon request.

10. Every person in charge of a snowmobile involved in a collision of a specified nature is required to report the collision to a police officer.

11. Speed limits are provided but these may be varied by by-law or regulation.

12. Every driver of a snowmobile is required to carry his licence and to produce it if so requested by a police officer, constable or conservation officer.

13. A person driving a snowmobile on private lands is required to stop and identify himself to the owner of the land if so requested by the owner.

14. A police officer, constable or conservation officer may arrest without warrant any person who contravenes the provisions set out in paragraphs 12 and 13.

15. Mufflers on snowmobiles shall be maintained in good working order.

16. Towing by a snowmobile is prohibited except in circumstances specified in the Bill.

17. The wearing of helmets is made compulsory.

18. The civil liability of the property owner to snowmobilers is limited only to damages inflicted deliberately or maliciously. This is true even though the property owner has given permission for the snowmobiler to enter on the property.

19. The owner of a snowmobile driven by another person with his consent is liable for damages done by the driver in the same manner as with automobiles.

20. Every person who trespasses while operating a snowmobile is liable to a fine not exceeding $500.

21. Mere permission is not a defence to a trespass charge unless it is in writing.

BILL 161 **1974**

The Motorized Snow Vehicles Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*; R.S.O. 1970, c. 186

(*b*) "driver's licence" means a valid and subsisting licence to drive a motor vehicle on a highway issued under the authority of *The Highway Traffic Act*; R.S.O. 1970, c. 202

(*c*) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;

(*d*) "Minister" means the Minister of Transportation and Communications;

(*e*) "Ministry" means the Ministry of Transportation and Communications;

(*f*) "motorized snow vehicle" means a self-propelled vehicle designed to be driven primarily on snow;

(*g*) "permit" means a permit issued under section 2;

(*h*) "public trail" means the whole of any motorized snow vehicle trail established and maintained in whole or in part by public funds;

(*i*) "registration number" means a number or combination of letters and numbers allocated to a motorized snow vehicle by the Ministry on the registration thereof;

(*j*) "regulations" means the regulations made under this Act;

(*k*) "serviced roadway" means the part of highway that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulder, and, where a highway includes two or more separate serviced roadways, the term "serviced roadway" refers to any one serviced roadway separately and not to all of the serviced roadways collectively;

(*l*) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings. R.S.O. 1970, c. 283, s. 1, *amended*.

Permit required

2.—(1) The owner of a motorized snow vehicle shall not,

(*a*) drive the motorized snow vehicle; or

(*b*) cause or permit the motorized snow vehicle to be driven,

except under the authority of a permit for the motorized snow vehicle issued or validated under subsection 3. R.S.O. 1970, c. 283, s. 5 (1), *amended*.

Dealer shall register

(2) Every dealer in motorized snow vehicles who sells a new motorized snow vehicle shall register the motorized snow vehicle on behalf of the purchaser thereof with the Ministry within six days following the sale. *New*.

Issuance of permits

(3) Upon registration of a motorized snow vehicle by a dealer pursuant to subsection 2 or by the owner of the motorized snow vehicle and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall issue for the motorized snow vehicle a numbered permit in accordance with the regulations, bearing the registration number of the motorized snow vehicle and provide such evidence of the issue of the permit for display upon the motorized snow vehicle as may be prescribed by the regulations. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Issuance of validations of permits

(4) Upon the application of the owner of a motorized snow vehicle for which a permit has been issued and upon payment of the fee prescribed by the regulations, the Minister or any person authorized by the Minister shall validate the permit and provide such evidence of validation as may be prescribed by the regulations. *New*.

Records

(5) The Ministry shall maintain,

(*a*) a numerical index record of all permits issued and in force under this section; and

(*b*) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Term of permit

(6) A permit that is issued or validated is in force during the period of time prescribed by the regulations. *New*.

Registration number to be displayed

(7) Every motorized snow vehicle, unless exempted under this Act or the regulations, shall have attached to or painted on both sides of the cowling in a clearly visible position a sign showing the registration number of the motorized snow vehicle in the form and manner prescribed in the regulations. *New*.

Display of evidence of permit

(8) Every driver of a motorized snow vehicle who fails to display on the motorized snow vehicle in the form and manner prescribed by the regulations evidence of the issue or validation of the permit, is guilty of an offence. *New*.

Exceptions as to manufacturers, dealers, non-residents

(9) This section does not apply,

(*a*) to manufacturers of motorized snow vehicles or to dealers in motorized snow vehicles in relation to motorized snow vehicles,

(i) that are kept for sale and are not driven or permitted to be driven upon a highway, or

(ii) that are not rented or leased or kept for renting or leasing to any person;

(*b*) to a motorized snow vehicle owned by a person who does not reside in Ontario if the vehicle is registered in some other jurisdiction and has attached to it the number plate furnished by the other jurisdiction. R.S.O. 1970, c. 283, s. 2 (4).

Local issuance of permits

(10) The Minister may give authority to any person to issue permits, to validate permits and to provide evidence of such issue or validation of permits for motorized snow vehicles and may define the duties and powers of such person and may authorize and fix the fee to be retained by the person so authorized for each permit issued or validated. R.S.O. 1970, c. 283, s. 2 (6), *amended*.

Regulations re permits and registration numbers

(11) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this section with respect to permits and registration numbers and in particular,

(*a*) prescribing forms for the purposes of this section and requiring their use;

(*b*) respecting the issuance, validation and replacement of permits;

(*c*) prescribing the period of time during which permits shall be in force that are issued or validated for motorized snow vehicles;

(*d*) prescribing fees for the issuance, validation and replacement of permits and of evidence of the issue or validation of permits;

(*e*) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the issue or validation of permits on motorized snow vehicles;

(*f*) respecting permits and registration numbers for and the operation of motorized snow vehicles owned by manufacturers or dealers and not kept by them for private use; and

(*g*) prescribing the form and manner of displaying registration numbers. *New.*

False statement

3.—(1) No person shall knowingly make a false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or the regulations. R.S.O. 1970, c. 283, s. 3 (1).

Change of address

(2) Where an owner of a motorized snow vehicle changes his address as stated in an application for a permit or for a validation of a permit or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. R.S.O. 1970, c. 283, s. 3 (2), *amended*.

Change of ownership

(3) Every person who sells or purchases a motorized snow vehicle shall, within six days of the sale or purchase, forward to the Ministry on the prescribed form a notice of the sale or purchase. *New.*

Registration number to be kept clean, unobstructed

4. When a motorized snow vehicle is being driven, the registration number required to be displayed under subsection

7 of section 2 shall be kept free of dirt, snow and ice, in good repair and the view thereof shall not be obscured or obstructed by any part of the motorized snow vehicle or any equipment or attachment thereon or by the load carried thereon. R.S.O. 1970, c. 283, s. 4 (1), *amended*.

Driving on King's Highway or secondary highway

5.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle upon the serviced roadway of the King's Highway or a secondary highway except to cross. *New*.

Regulations

(2) The Minister may make regulations designating any part or parts of the King's Highway or a secondary highway,

(*a*) across the serviced roadway of which no motorized snow vehicle may be driven;

(*b*) upon which motorized snow vehicles may be driven; or

(*c*) upon which motorized snow vehicles may not be driven. R.S.O. 1970, c. 283, s. 5 (2), *amended*.

Interpretation

6.—(1) In this section "local municipality" means a city, town, village or township. *New*.

Local municipality may pass by-laws

(2) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. R.S.O. 1970, c. 283, s. 6 (1).

Application of subs. 1

(3) Where a by-law is passed under subsection 2, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. R.S.O. 1970, c. 283, s. 6 (2).

County or municipalities may pass by-laws

(4) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. R.S.O. 1970, c. 283, s. 6 (3).

Local municipality may pass permissive by-laws

(5) No person shall drive a motorized snow vehicle upon a serviced roadway within a local municipality except as permitted by by-laws passed by the council of the municipality having jurisdiction over the highway. *New*.

Territory without municipal organization

(6) No person shall drive a motorized snow vehicle upon a serviced roadway in territory without municipal organi-

zation except as permitted by the Lieutenant Governor in Council.

Application of R.S.O. 1970, c. 284

(7) Part XXI of *The Municipal Act* applies to by-laws passed under this section. R.S.O. 1970, c. 283, s. 6 (5).

Crossing roadway

7. No person shall drive a motorized snow vehicle across a serviced roadway except at an angle of approximately 90 degrees to the direction of the serviced roadway. *New.*

Driving along highway

8.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle along a highway unless,

(*a*) he has attained the full age of sixteen years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. R.S.O. 1970, c. 283, s. 7 (1), *amended*.

Driving across highway

(2) No person shall drive a motorized snow vehicle across a highway unless,

(*a*) he has attained the full age of fourteen years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. *New.*

Driving on public trails

(3) No person shall drive a motorized snow vehicle upon a public trail unless,

(*a*) he has attained the full age of twelve years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle.

Minister may issue licence

9.—(1) The Minister may issue a motorized snow vehicle operator's licence to any person who has attained the full age of twelve years and who meets the requirements of this Act and the regulations authorizing the person to drive a motorized snow vehicle, subject to any conditions and for the period of time prescribed by the regulations.

(2) An applicant for a motorized snow vehicle operator's licence shall submit to such examinations as are prescribed by the regulations. *New*. Examinations

10. The provisions of *The Highway Traffic Act*, except Part XI, and of *The Motor Vehicle Accident Claims Act* do not apply to a motorized snow vehicle or to the driving thereof. R.S.O. 1970, c. 283, s. 8. Application of R.S.O. 1970, cc. 202, 281

11.—(1) No person shall drive a motorized snow vehicle upon a highway or public trail unless he is insured under a motor vehicle liability policy in accordance with *The Insurance Act*, and the owner of a motorized snow vehicle shall not permit any person to drive the vehicle upon a highway or public trail unless the driver is so insured. Insurance R.S.O. 1970, c. 224

(2) The driver of a motorized snow vehicle who drives or permits the driving of the motorized snow vehicle on a highway or public trail shall, upon the request of a police officer, constable or conservation officer, produce evidence that the driver thereof is insured under a motor vehicle liability policy in accordance with *The Insurance Act*. Production of evidence of insurance

(3) Every driver of a motorized snow vehicle who fails to produce evidence under subsection 2 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not more than $500. Offence for failure to produce evidence

(4) Every driver of a motorized snow vehicle who produces false evidence when he is required to produce evidence under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $500. R.S.O. 1970, c. 283, s. 9 (1-4), *amended*. Offence for producing false evidence

12.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property apparently exceeding $100, report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect of, Reporting of collision

(*a*) the names and addresses of the persons involved;

(*b*) the date and location of the occurrence; and

(*c*) the circumstances under which the collision occurred. R.S.O. 1970, c. 283, s. 10 (1), *amended*.

(2) A police officer receiving a report of a collision under subsection 1 shall forward the report to the Registrar of Disposition of report

Motor Vehicles within ten days of receiving it. R.S.O. 1970, c. 283, s. 10 (2).

Speed limit

13.—(1) No person shall drive a motorized snow vehicle at a greater rate of speed than,

(*a*) 15 miles per hour,

(i) on a highway where the speed limit established pursuant to *The Highway Traffic Act* is 30 miles per hour or less, or

R.S.O. 1970, c. 202

(ii) in any public park or exhibition grounds; or

(*b*) 30 miles per hour,

(i) on any highway which is open to motor vehicle traffic, where the speed limit established pursuant to *The Highway Traffic Act* is greater than 30 miles per hour, or

(ii) on a public trail. *New.*

Municipality may prescribe different rate of speed

(2) The council of a municipality may by by-law prescribe,

(*a*) a lower rate of speed for motorized snow vehicles upon any highway or part thereof under its jurisdiction; and

(*b*) a higher or lower rate of speed for motorized snow vehicles upon a public trail, public park or exhibition ground under its jurisdiction,

than is prescribed in subsection 1.

Lieutenant Governor in Council may prescribe different rate of speed

(3) The Lieutenant Governor in Council may by regulation prescribe a higher or lower rate of speed upon any public trail or any part thereof, public park or exhibition ground not under the jurisdiction of a municipality, than is prescribed in subsection 1.

By-law effective

(4) No by-law passed under subsection 2 or regulation made pursuant to subsection 3 becomes effective until signs are erected in accordance with the regulations.

Driver to carry licence

14.—(1) Every driver of a motorized snow vehicle shall carry his driver's licence or motorized snow vehicle operator's licence with him at all times while he is operating a motorized snow vehicle and shall produce it when demanded by a police officer, constable or conservation officer.

(2) Every person who is unable or refuses to produce his licence in accordance with subsection 1, when requested by a police officer, constable or conservation officer, shall identify himself by giving his correct name and address to the police officer, constable or conservation officer. Driver to identify self

(3) Upon the request of the owner or occupier of land upon which a person is operating a motorized snow vehicle, the person operating the motorized snow vehicle shall stop and identify himself by giving his correct name and address. Stopping on request

(4) Every police officer, constable or conservation officer, who, on reasonable and probable grounds, believes that a contravention of subsection 2 or 3 has been committed, may arrest without warrant any person whom the police officer, constable or conservation officer, on reasonable and probable grounds, believes has committed the contravention. *New.* Constable may arrest without warrant

15.—(1) No person shall drive a motorized snow vehicle unless it is equipped with a muffler in good working order and in constant operation and no person shall drive a motorized snow vehicle which has a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon the motorized snow vehicle. Muffler in working order

(2) No person shall drive or permit to be driven any motorized snow vehicle upon which any component or device, which was required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the motorized snow vehicle was manufactured or imported into Canada, has been removed, modified or rendered inoperative. Removing or modifying any component R.S.C. 1970, c. 26, (1st Supp.)

(3) Subsections 1 and 2 do not apply to a motorized snow vehicle while it is driven in a racing area sanctioned as such by the council of the local municipality within which the racing area is located. *New.* Exception in racing area

16.—(1) No person shall drive a motorized snow vehicle which is towing a cutter, toboggan, sled or similar conveyance except by means of a rigid tow bar. Towing by means of a rigid tow bar

(2) No person shall drive a motorized snow vehicle which is towing a person or conveyance on a serviced roadway except to cross the serviced roadway at an angle of approximately 90 degrees to the direction of the serviced roadway. Towing on serviced roadway prohibited

(3) This section does not apply to a person while he is driving a motorized snow vehicle for the sole purpose of unditching a stuck vehicle or conveyance. *New.* Exception for unditching

Driver shall wear helmet

17. No person shall drive a motorized snow vehicle or ride on a motorized snow vehicle or on a cutter, toboggan, sled or similar conveyance towed by a motorized snow vehicle unless he is wearing a helmet that complies with the regulations. *New.*

Vehicle shall bear National Safety Mark

18.—(1) No person who deals in motorized snow vehicles or cutters designed to be drawn by motorized snow vehicles shall sell or offer to sell a new motorized snow vehicle or cutter manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicles Safety Act* (Canada), or that does not bear the National Safety Mark referred to therein.

R.S.C. 1970, c. 26 (1st Supp.)

Penalty

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $500. *New.*

Occupier's duty of care

19. An occupier of land owes no duty of care toward a person who is driving or riding on a motorized snow vehicle or being towed by a motorized snow vehicle upon the land and who is a trespasser or licensee except the duty to not create a danger with the deliberate intent of doing harm or damage to the trespasser or licensee or do a wilful act with reckless disregard of the presence of the trespasser or licensee. *New.*

Liability of owner

20.—(1) Where the driver of a motorized snow vehicle who is not the owner thereof is liable for damages respecting damage or injury arising out of the operation by him of the motorized snow vehicle with the consent of the owner, the owner is jointly and severally liable.

Idem

(2) Where a motorized snow vehicle is leased, the consent of the lessee of the motorized snow vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection 1, be deemed to be the consent of the owner of the motorized snow vehicle. *New.*

Owner and driver liable for penalties

21. The owner of a motorized snow vehicle shall incur the penalties provided for any contravention of this Act or the regulations or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention. *New.*

22.—(1) Every person who knowingly or unknowingly trespasses on land while operating a motorized snow vehicle is guilty of an offence and on summary conviction is liable to a fine not exceeding $500. Penalty for trespass

(2) Subject to subsection 3, liability under subsection 1 is not affected by reason only that the accused was given permission to be on the land, unless the permission is in writing signed by the owner or occupier of the land. Defence

(3) Subsection 2 does not apply where the land is unpatented Crown land. Application of subs. 2

(4) For the purpose of subsection 2, written permission given to a club or association shall be deemed to have been given to each member thereof. Clubs and associations

(5) For the purpose of subsection 2, written permission for the public in general given to a club or association that is in receipt of public money shall be deemed to have been given to the public in general. *New.* Public in general

23. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction where a fine for the contravention is not otherwise provided for herein is liable to a fine not exceeding $300. R.S.O. 1970, c. 283, s. 13, *amended.* Offences and fines

24.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing rules for driving motorized snow vehicles upon a highway or any place other than a highway and requiring compliance therewith by every person driving a motorized snow vehicle;

(*b*) requiring, prohibiting or regulating the use of any equipment, ornament, device, accessory, material or component in or on any motorized snow vehicle or used in connection therewith and prescribing the specifications therefor;

(*c*) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry pursuant to this Act or the regulations, or any statement containing information from the records of the Ministry, and prescribing the amount of such fees;

(*d*) prescribing the term of validity of motorized snow vehicle operators' licences;

(*e*) prescribing conditions that shall apply to motorized snow vehicle operators' licences;

(*f*) prescribing the standards and specifications of helmets referred to in section 17 and providing for and requiring the identification and marking of such helmets;

(*g*) providing for the erection of signs on any highway or public trail and prescribing the types of signs and the location of each type of sign;

(*h*) designating classes of motorized snow vehicles which are exempt from the provisions of sections 2 and 8;

(*i*) designating areas within Ontario to which any provisions of this Act or the regulations do not apply;

(*j*) designating classes of persons to whom any provisions of this Act and the regulations do not apply;

(*k*) respecting tests to determine the knowledge and competence of applicants for motorized snow vehicle operators' licences; and

(*l*) prescribing standards required to obtain and maintain a motorized snow vehicle operator's licence. R.S.O. 1970, c. 283, s. 12, *amended*.

Regulation may adopt by reference

(2) Any regulation made under clause *b* or *f* of subsection 1 may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is adopted. *New*.

Driver shall obey signs

(3) Every driver of a motorized snow vehicle shall obey the instructions and directions indicated on any sign erected pursuant to regulations made under clause *g* of subsection 1. *New*.

Repeal

25. *The Motorized Snow Vehicles Act*, being chapter 283 of the Revised Statutes of Ontario, 1970, is repealed.

Commencement

26.—(1) This Act, except subsection 7 of section 2, subsections 5 and 6 of section 6, subsections 2 and 3 of section 8 and section 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 5 of section 6 comes into force on the 1st day of February, 1975.

(3) Subsection 7 of section 2, subsection 6 of section 6, subsections 2 and 3 of section 8 and section 9 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

27. This Act may be cited as *The Motorized Snow Vehicles Act, 1974*. Short title

BILL 161

The Motorized Snow Vehicles Act, 1974

1st Reading

December 3rd, 1974

2nd Reading

3rd Reading

The Hon. J. R. Rhodes
Minister of Transportation and Communications

(*Government Bill*)

1974

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Government
Publications

BILL 161 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
No. 161

The Motorized Snow Vehicles Act, 1974

THE HON. J. R. RHODES
Minister of Transportation and Communications

(Reprinted as amended by the Committee of the Whole House)

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Explanatory Note

This Bill provides for the registration of motorized snow vehicles and prescribes provisions governing the operation and use of motorized snow vehicles. Among the principal features of the Bill are the following:

1. Snowmobiles may be driven only under the authority of a permit.

2. Dealers are required to register snowmobiles on behalf of purchasers.

3. Registration numbers shall be issued along with a permit and the registration numbers are to be painted on or attached to the vehicles.

4. Manufacturers of snowmobiles and persons resident outside of Ontario are exempt from the registration and permit required in certain specified circumstances.

5. Driving a snowmobile on a serviced roadway of the King's Highway or secondary highway is prohibited subject to exception as provided by regulation.

6. Councils of local municipalities, of counties and of district, metropolitan or regional municipalities may pass by-laws regulating and governing the operation of snowmobiles.

7. Every driver of a snowmobile on a public trail or highway is required to have a driver's licence or a motorized snow vehicle operator's licence and there are age limits set for driving along highways, across highways and upon public trails.

8. Twelve is the minimum age at which a person may obtain a motorized snow vehicle operator's licence.

9. All drivers of snowmobiles are required to be insured and to produce evidence of insurance to a police officer, constable or conservation officer upon request.

10. Every person in charge of a snowmobile involved in a collision of a specified nature is required to report the collision to a police officer.

11. Speed limits are provided but these may be varied by by-law or regulation.

12. Every driver of a snowmobile is required to carry his licence and to produce it if so requested by a police officer, constable or conservation officer.

13. A person driving a snowmobile on private lands is required to stop and identify himself to the owner of the land if so requested by the owner.

14. A police officer, constable or conservation officer may arrest without warrant any person who contravenes the provisions set out in paragraphs 12 and 13.

15. Mufflers on snowmobiles shall be maintained in good working order.

16. Towing by a snowmobile is prohibited except in circumstances specified in the Bill.

17. The wearing of helmets is made compulsory.

18. The civil liability of the property owner to snowmobilers is limited only to damages inflicted deliberately or maliciously. This is true even though the property owner has given permission for the snowmobiler to enter on the property.

19. The owner of a snowmobile driven by another person with his consent is liable for damages done by the driver in the same manner as with automobiles.

20. Every person who trespasses while operating a snowmobile is liable to a fine not exceeding $500.

21. Mere permission is not a defence to a trespass charge unless it is in writing.

BILL 161 **1974**

The Motorized Snow Vehicles Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*; R.S.O. 1970, c. 186

(*b*) "driver's licence" means a valid and subsisting licence to drive a motor vehicle on a highway issued under the authority of *The Highway Traffic Act*; R.S.O. 1970, c. 202

(*c*) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;

(*d*) "Minister" means the Minister of Transportation and Communications;

(*e*) "Ministry" means the Ministry of Transportation and Communications;

(*f*) "motorized snow vehicle" means a self-propelled vehicle designed to be driven primarily on snow;

(*g*) "permit" means a permit issued under section 2;

(*h*) "public trail" means the whole of any motorized snow vehicle trail established and maintained in whole or in part by public funds;

(*i*) "registration number" means a number or combination of letters and numbers allocated to a motorized snow vehicle by the Ministry on the registration thereof;

(*j*) "regulations" means the regulations made under this Act;

(*k*) "serviced roadway" means the part of highway that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulder, and, where a highway includes two or more separate serviced roadways, the term "serviced roadway" refers to any one serviced roadway separately and not to all of the serviced roadways collectively;

(*l*) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings. R.S.O. 1970, c. 283, s. 1, *amended*.

Permit required

2.—(1) The owner of a motorized snow vehicle shall not,

(*a*) drive the motorized snow vehicle; or

(*b*) cause or permit the motorized snow vehicle to be driven,

except under the authority of a permit for the motorized snow vehicle issued or validated under subsection 3 or except on lands occupied by the owner of the motorized snow vehicle. R.S.O. 1970, c. 283, s. 5 (1), *amended*.

Dealer shall register

(2) Every dealer in motorized snow vehicles who sells a new motorized snow vehicle shall register the motorized snow vehicle on behalf of the purchaser thereof with the Ministry within six days following the sale. *New*.

Issuance of permits

(3) Upon registration of a motorized snow vehicle by a dealer pursuant to subsection 2 or by the owner of the motorized snow vehicle and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall issue for the motorized snow vehicle a numbered permit in accordance with the regulations, bearing the registration number of the motorized snow vehicle and provide such evidence of the issue of the permit for display upon the motorized snow vehicle as may be prescribed by the regulations. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Issuance of validations of permits

(4) Upon the application of the owner of a motorized snow vehicle for which a permit has been issued and upon payment of the fee prescribed by the regulations, the Minister or any person authorized by the Minister shall validate the permit and provide such evidence of validation as may be prescribed by the regulations. *New*.

Records

(5) The Ministry shall maintain,

(*a*) a numerical index record of all permits issued and in force under this section; and

(*b*) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Term of permit

(6) A permit that is issued or validated is in force during the period of time prescribed by the regulations. *New*.

Registration number to be displayed

(7) Every motorized snow vehicle, unless exempted under this Act or the regulations, shall have attached to or painted on both sides of the cowling in a clearly visible position a sign showing the registration number of the motorized snow vehicle in the form and manner prescribed in the regulations. *New*.

Display of evidence of permit

(8) Every driver of a motorized snow vehicle who fails to display on the motorized snow vehicle in the form and manner prescribed by the regulations evidence of the issue or validation of the permit, is guilty of an offence. *New*.

Exceptions as to manufacturers, dealers, non-residents

(9) This section does not apply,

(*a*) to manufacturers of motorized snow vehicles or to dealers in motorized snow vehicles in relation to motorized snow vehicles,

(i) that are kept for sale and are not driven or permitted to be driven upon a highway, or

(ii) that are not rented or leased or kept for renting or leasing to any person;

(*b*) to a motorized snow vehicle owned by a person who does not reside in Ontario if the vehicle is registered in some other jurisdiction and has attached to it the number plate furnished by the other jurisdiction. R.S.O. 1970, c. 283, s. 2 (4).

Local issuance of permits

(10) The Minister may give authority to any person to issue permits, to validate permits and to provide evidence of such issue or validation of permits for motorized snow vehicles and may define the duties and powers of such person and may authorize and fix the fee to be retained by the person so authorized for each permit issued or validated. R.S.O. 1970, c. 283, s. 2 (6), *amended*.

Regulations re permits and registration numbers

(11) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this section with respect to permits and registration numbers and in particular,

(*a*) prescribing forms for the purposes of this section and requiring their use;

(*b*) respecting the issuance, validation and replacement of permits;

(*c*) prescribing the period of time during which permits shall be in force that are issued or validated for motorized snow vehicles;

(*d*) prescribing fees for the issuance, validation and replacement of permits and of evidence of the issue or validation of permits;

(*e*) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the issue or validation of permits on motorized snow vehicles;

(*f*) respecting permits and registration numbers for and the operation of motorized snow vehicles owned by manufacturers or dealers and not kept by them for private use; and

(*g*) prescribing the form and manner of displaying registration numbers. *New.*

False statement

3.—(1) No person shall knowingly make a false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or the regulations. R.S.O. 1970, c. 283, s. 3 (1).

Change of address

(2) Where an owner of a motorized snow vehicle changes his address as stated in an application for a permit or for a validation of a permit or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. R.S.O. 1970, c. 283, s. 3 (2), *amended.*

Change of ownership

(3) Every person who sells or purchases a motorized snow vehicle shall, within six days of the sale or purchase, forward to the Ministry on the prescribed form a notice of the sale or purchase. *New.*

Registration number to be kept clean, unobstructed

4. When a motorized snow vehicle is being driven, the registration number required to be displayed under subsection

7 of section 2 shall be kept free of dirt, snow and ice, in good repair and the view thereof shall not be obscured or obstructed by any part of the motorized snow vehicle or any equipment or attachment thereon or by the load carried thereon. R.S.O. 1970, c. 283, s. 4 (1), *amended*.

Driving on King's Highway or secondary highway

5.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle upon the serviced roadway of the King's Highway or of a secondary highway except to cross. *New*.

Regulations

(2) The Minister may make regulations designating any part or parts of the King's Highway or a secondary highway,

(*a*) across the serviced roadway of which no motorized snow vehicle may be driven;

(*b*) upon which motorized snow vehicles may be driven; or

(*c*) upon which motorized snow vehicles may not be driven. R.S.O. 1970, c. 283, s. 5 (2), *amended*.

Interpretation

6.—(1) In this section "local municipality" means a city, town, village or township. *New*.

Local municipality may pass by-laws

(2) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. R.S.O. 1970, c. 283, s. 6 (1).

Application of subs. 1

(3) Where a by-law is passed under subsection 2, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. R.S.O. 1970, c. 283, s. 6 (2).

County or municipalities may pass by-laws

(4) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. R.S.O. 1970, c. 283, s. 6 (3).

County or municipalities may pass prohibiting by-laws

(5) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county or of a district, metropolitan or regional municipality by a by-law passed under subsection 2, the council of the municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across the highway or any part thereof. *New*.

Territory without municipal organization

(6) The Lieutenant Governor in Council may make regulations regulating, governing or prohibiting the operation of motorized snow vehicles upon serviced roadways in territories without municipal organization.

Application of R.S.O. 1970, c. 284

(7) Part XXI of *The Municipal Act* applies to by-laws passed under this section. R.S.O. 1970, c. 283, s. 6 (5).

Crossing roadway

7. No person shall drive a motorized snow vehicle across a serviced roadway except at an angle of approximately 90 degrees to the direction of the serviced roadway. *New.*

Driving along highway

8.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle along a highway unless,

(*a*) he has attained the full age of sixteen years; and

(*b*) he holds a driver's licence; or

(*c*) he holds a motorized snow vehicle operator's licence; or

(*d*) he is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. R.S.O. 1970, c. 283, s. 7 (1), *amended*.

Driving across highway

(2) No person shall drive a motorized snow vehicle across a highway unless,

(*a*) he has attained the full age of fourteen years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. *New.*

Driving on public trails

(3) No person shall drive a motorized snow vehicle upon a public trail unless,

(*a*) he has attained the full age of twelve years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle.

9.—(1) The Minister may issue a motorized snow vehicle operator's licence to any person who has attained the full age of twelve years and who meets the requirements of this Act and the regulations authorizing the person to drive a motorized snow vehicle, subject to any conditions and for the period of time prescribed by the regulations. Minister may issue licence

(2) An applicant for a motorized snow vehicle operator's licence shall submit to such examinations as are prescribed by the regulations. *New.* Examinations

10. The provisions of *The Highway Traffic Act*, except Part XI, and of *The Motor Vehicle Accident Claims Act* do not apply to a motorized snow vehicle or to the driving thereof. R.S.O. 1970, c. 283, s. 8. Application of R.S.O. 1970, cc. 202, 281

11.—(1) No person shall drive a motorized snow vehicle upon a highway or public trail unless he is insured under a motor vehicle liability policy in accordance with *The Insurance Act*, and the owner of a motorized snow vehicle shall not permit any person to drive the vehicle upon a highway or public trail unless the driver is so insured. Insurance R.S.O. 1970, c. 224

(2) The driver of a motorized snow vehicle who drives or permits the driving of the motorized snow vehicle on a highway or public trail shall, upon the request of a police officer, constable or conservation officer, produce evidence that the driver thereof is insured under a motor vehicle liability policy in accordance with *The Insurance Act*. Production of evidence of insurance

(3) Every driver of a motorized snow vehicle who fails to produce evidence under subsection 2 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not more than $500. Offence for failure to produce evidence

(4) Every driver of a motorized snow vehicle who produces false evidence when he is required to produce evidence under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $500. R.S.O. 1970, c. 283, s. 9 (1-4), *amended*. Offence for producing false evidence

12.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property apparently exceeding $100, report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect of, Reporting of collision

(*a*) the names and addresses of the persons involved;

(*b*) the date and location of the occurrence; and

(*c*) the circumstances under which the collision occurred. R.S.O. 1970, c. 283, s. 10 (1), *amended*.

Disposition of report

(2) A police officer receiving a report of a collision under subsection 1 shall forward the report to the Registrar of Motor Vehicles within ten days of receiving it. R.S.O. 1970, c. 283, s. 10 (2).

Speed limit

13.—(1) No person shall drive a motorized snow vehicle at a greater rate of speed than,

(*a*) 15 miles per hour,

(i) on a highway where the speed limit established pursuant to *The Highway Traffic Act* is 30 miles per hour or less, or

R.S.O. 1970, c. 202

(ii) in any public park or exhibition grounds; or

(*b*) 30 miles per hour,

(i) on any highway which is open to motor vehicle traffic, where the speed limit established pursuant to *The Highway Traffic Act* is greater than 30 miles per hour, or

(ii) on a public trail. *New*.

Municipality may prescribe different rate of speed

(2) The council of a municipality may by by-law prescribe,

(*a*) a lower rate of speed for motorized snow vehicles upon any highway or part thereof under its jurisdiction; and

(*b*) a higher or lower rate of speed for motorized snow vehicles upon a public trail, public park or exhibition ground under its jurisdiction,

than is prescribed in subsection 1.

Lieutenant Governor in Council may prescribe different rate of speed

(3) The Lieutenant Governor in Council may by regulation prescribe a higher or lower rate of speed upon any public trail or any part thereof, public park or exhibition ground not under the jurisdiction of a municipality, than is prescribed in subsection 1.

By-law effective

(4) No by-law passed under subsection 2 or regulation made pursuant to subsection 3 becomes effective until signs are erected in accordance with the regulations.

14.—(1) Subject to subsection 2, every driver of a motorized snow vehicle shall carry his driver's licence or motorized snow vehicle operator's licence with him at all times while he is operating a motorized snow vehicle and shall produce it when demanded by a police officer, constable or conservation officer. Driver to carry licence

(2) A person shall not be required to carry his driver's licence or motorized snow vehicle operator's licence with him while operating a motorized snow vehicle on lands occupied by him. Exception

(3) Every person who is unable or refuses to produce his licence in accordance with subsection 1, when requested by a police officer, constable or conservation officer, shall identify himself by giving his correct name and address to the police officer, constable or conservation officer. Driver to identify self

(4) Upon the request of the owner or occupier of land upon which a person is operating a motorized snow vehicle, the person operating the motorized snow vehicle shall stop and identify himself by giving his correct name and address. Stopping on request

(5) Every police officer, constable or conservation officer, who, on reasonable and probable grounds, believes that a contravention of subsection 3 or 4 has been committed, may arrest without warrant any person whom the police officer, constable or conservation officer, on reasonable and probable grounds, believes has committed the contravention. *New.* Constable may arrest without warrant

15.—(1) No person shall drive a motorized snow vehicle unless it is equipped with a muffler in good working order and in constant operation and no person shall drive a motorized snow vehicle which has a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon the motorized snow vehicle. Muffler in working order

(2) No person shall drive or permit to be driven any motorized snow vehicle upon which any component or device, which was required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the motorized snow vehicle was manufactured or imported into Canada, has been removed, modified or rendered inoperative. Removing or modifying any component R.S.C. 1970, c. 26, (1st Supp.)

(3) Subsections 1 and 2 do not apply to a motorized snow vehicle while it is driven in a racing area sanctioned as such by the council of the local municipality within which the racing area is located. *New.* Exception in racing area

Towing by means of a rigid tow bar

16.—(1) No person shall drive a motorized snow vehicle which is towing a cutter, toboggan, sled or similar conveyance except by means of a rigid tow bar.

Towing on serviced roadway prohibited

(2) No person shall drive a motorized snow vehicle which is towing a person or conveyance on a serviced roadway except to cross the serviced roadway at an angle of approximately 90 degrees to the direction of the serviced roadway.

Exception for unditching, etc.

(3) This section does not apply to a person while he is driving a motorized snow vehicle for the sole purpose of unditching a stuck vehicle or conveyance or under an emergency rescue situation or while he is operating trail maintenance equipment. *New.*

Driver shall wear helmet

17. No person shall drive a motorized snow vehicle or ride on a motorized snow vehicle or on a cutter, toboggan, sled or similar conveyance towed by a motorized snow vehicle on a serviced roadway or public trail unless he is wearing a helmet that complies with the regulations. *New.*

Vehicle shall bear National Safety Mark

18.—(1) No person who deals in motorized snow vehicles or cutters designed to be drawn by motorized snow vehicles shall sell or offer to sell a new motorized snow vehicle or cutter manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicles Safety Act* (Canada), or that does not bear the National Safety Mark referred to therein.

R.S.C. 1970, c. 26 (1st Supp.)

Penalty

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $500. *New.*

Occupier's duty of care

19. An occupier of land owes no duty of care toward a person who is driving or riding on a motorized snow vehicle or being towed by a motorized snow vehicle upon the land and who is a trespasser or licensee except the duty to not create a danger with the deliberate intent of doing harm or damage to the trespasser or licensee or do a wilful act with reckless disregard of the presence of the trespasser or licensee. *New.*

Liability of owner

20.—(1) Where the driver of a motorized snow vehicle who is not the owner thereof is liable for damages respecting damage or injury arising out of the operation by him of the motorized snow vehicle with the consent of the owner, the owner is jointly and severally liable.

(2) Where a motorized snow vehicle is leased, the consent of the lessee of the motorized snow vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection 1, be deemed to be the consent of the owner of the motorized snow vehicle. *New.* Idem

21. The owner of a motorized snow vehicle shall incur the penalties provided for any contravention of this Act or the regulations or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention. *New.* Owner and driver liable for penalties

22.—(1) Every person who knowingly or unknowingly trespasses on land while operating a motorized snow vehicle is guilty of an offence and on summary conviction is liable to a fine not exceeding $500. Penalty for trespass

(2) Subject to subsection 3, liability under subsection 1 is not affected by reason only that the accused was given permission to be on the land, unless the permission is in writing signed by the owner or occupier of the land. Defence

(3) Subsection 2 does not apply where the land is unpatented Crown land. Application of subs. 2

(4) For the purpose of subsection 2, written permission given to a club or association shall be deemed to have been given to each member thereof. Clubs and associations

(5) For the purpose of subsection 2, written permission for the public in general given to a club or association that is in receipt of public money shall be deemed to have been given to the public in general. Public in general

(6) No action or prosecution for a contravention of subsection 1 shall be commenced except at the request of the owner or occupier of the land or his authorized agent. *New.* Prosecution on request only

23. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction where a fine for the contravention is not otherwise provided for herein is liable to a fine not exceeding $300. R.S.O. 1970, c. 283, s. 13, *amended.* Offences and fines

Regulations

24.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing rules for driving motorized snow vehicles upon a highway or any place other than a highway and requiring compliance therewith by every person driving a motorized snow vehicle;

(*b*) requiring, prohibiting or regulating the use of any equipment, ornament, device, accessory, material or component in or on any motorized snow vehicle or used in connection therewith and prescribing the specifications therefor;

(*c*) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry pursuant to this Act or the regulations, or any statement containing information from the records of the Ministry, and prescribing the amount of such fees;

(*d*) prescribing the term of validity of motorized snow vehicle operators' licences;

(*e*) prescribing conditions that shall apply to motorized snow vehicle operators' licences;

(*f*) prescribing the standards and specifications of helmets referred to in section 17 and providing for and requiring the identification and marking of such helmets;

(*g*) providing for the erection of signs on any highway or public trail and prescribing the types of signs and the location of each type of sign;

(*h*) designating classes of motorized snow vehicles which are exempt from the provisions of sections 2 and 8;

(*i*) designating areas within Ontario to which any provisions of this Act or the regulations do not apply;

(*j*) designating classes of persons to whom any provisions of this Act and the regulations do not apply;

(*k*) respecting tests to determine the knowledge and competence of applicants for motorized snow vehicle operators' licences; and

(*l*) prescribing standards required to obtain and maintain a motorized snow vehicle operator's licence. R.S.O. 1970, c. 283, s. 12, *amended*.

Regulation may adopt by reference

(2) Any regulation made under clause *b* or *f* of subsection 1 may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is adopted. *New*.

Driver shall obey signs

(3) Every driver of a motorized snow vehicle shall obey the instructions and directions indicated on any sign erected pursuant to regulations made under clause *g* of subsection 1. *New*.

Repeal

25. *The Motorized Snow Vehicles Act*, being chapter 283 of the Revised Statutes of Ontario, 1970, is repealed.

Commencement

26.—(1) This Act, except subsection 7 of section 2, clause *c* of subsection 1 and subsections 2 and 3 of section 8 and section 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 7 of section 2, clause *c* of subsection 1 and subsections 2 and 3 of section 8 and section 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

27. This Act may be cited as *The Motorized Snow Vehicles Act, 1974*.

BILL 161

The Motorized Snow Vehicles Act, 1974

1st Reading

December 3rd, 1974

2nd Reading

December 20th, 1974

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation and Communications

(Reprinted as amended by the Committee of the Whole House)

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Publications

BILL 161

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

The Motorized Snow Vehicles Act, 1974

THE HON. J. R. RHODES
Minister of Transportation and Communications



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 161 **1974**

The Motorized Snow Vehicles Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*; R.S.O. 1970, c. 186

(*b*) "driver's licence" means a valid and subsisting licence to drive a motor vehicle on a highway issued under the authority of *The Highway Traffic Act*; R.S.O. 1970, c. 202

(*c*) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;

(*d*) "Minister" means the Minister of Transportation and Communications;

(*e*) "Ministry" means the Ministry of Transportation and Communications;

(*f*) "motorized snow vehicle" means a self-propelled vehicle designed to be driven primarily on snow;

(*g*) "permit" means a permit issued under section 2;

(*h*) "public trail" means the whole of any motorized snow vehicle trail established and maintained in whole or in part by public funds;

(*i*) "registration number" means a number or combination of letters and numbers allocated to a motorized snow vehicle by the Ministry on the registration thereof;

(*j*) "regulations" means the regulations made under this Act;

(*k*) "serviced roadway" means the part of highway that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulder, and, where a highway includes two or more separate serviced roadways, the term "serviced roadway" refers to any one serviced roadway separately and not to all of the serviced roadways collectively;

(*l*) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings. R.S.O. 1970, c. 283, s. 1, *amended*.

Permit required

2.—(1) The owner of a motorized snow vehicle shall not,

(*a*) drive the motorized snow vehicle; or

(*b*) cause or permit the motorized snow vehicle to be driven,

except under the authority of a permit for the motorized snow vehicle issued or validated under subsection 3 or except on lands occupied by the owner of the motorized snow vehicle. R.S.O. 1970, c. 283, s. 5 (1), *amended*.

Dealer shall register

(2) Every dealer in motorized snow vehicles who sells a new motorized snow vehicle shall register the motorized snow vehicle on behalf of the purchaser thereof with the Ministry within six days following the sale. *New*.

Issuance of permits

(3) Upon registration of a motorized snow vehicle by a dealer pursuant to subsection 2 or by the owner of the motorized snow vehicle and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall issue for the motorized snow vehicle a numbered permit in accordance with the regulations, bearing the registration number of the motorized snow vehicle and provide such evidence of the issue of the permit for display upon the motorized snow vehicle as may be prescribed by the regulations. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Issuance of validations of permits

(4) Upon the application of the owner of a motorized snow vehicle for which a permit has been issued and upon payment of the fee prescribed by the regulations, the Minister or any person authorized by the Minister shall validate the permit and provide such evidence of validation as may be prescribed by the regulations. *New*.

Records

(5) The Ministry shall maintain,

(*a*) a numerical index record of all permits issued and in force under this section; and

(*b*) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Term of permit

(6) A permit that is issued or validated is in force during the period of time prescribed by the regulations. *New*.

Registration number to be displayed

(7) Every motorized snow vehicle, unless exempted under this Act or the regulations, shall have attached to or painted on both sides of the cowling in a clearly visible position a sign showing the registration number of the motorized snow vehicle in the form and manner prescribed in the regulations. *New*.

Display of evidence of permit

(8) Every driver of a motorized snow vehicle who fails to display on the motorized snow vehicle in the form and manner prescribed by the regulations evidence of the issue or validation of the permit, is guilty of an offence. *New*.

Exceptions as to manufacturers, dealers, non-residents

(9) This section does not apply,

(*a*) to manufacturers of motorized snow vehicles or to dealers in motorized snow vehicles in relation to motorized snow vehicles,

(i) that are kept for sale and are not driven or permitted to be driven upon a highway, or

(ii) that are not rented or leased or kept for renting or leasing to any person;

(*b*) to a motorized snow vehicle owned by a person who does not reside in Ontario if the vehicle is registered in some other jurisdiction and has attached to it the number plate furnished by the other jurisdiction. R.S.O. 1970, c. 283, s. 2 (4).

Local issuance of permits

(10) The Minister may give authority to any person to issue permits, to validate permits and to provide evidence of such issue or validation of permits for motorized snow vehicles and may define the duties and powers of such person and may authorize and fix the fee to be retained by the person so authorized for each permit issued or validated. R.S.O. 1970, c. 283, s. 2 (6), *amended*.

Regulations re permits and registration numbers

(11) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this section with respect to permits and registration numbers and in particular,

(*a*) prescribing forms for the purposes of this section and requiring their use;

(*b*) respecting the issuance, validation and replacement of permits;

(*c*) prescribing the period of time during which permits shall be in force that are issued or validated for motorized snow vehicles;

(*d*) prescribing fees for the issuance, validation and replacement of permits and of evidence of the issue or validation of permits;

(*e*) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the issue or validation of permits on motorized snow vehicles;

(*f*) respecting permits and registration numbers for and the operation of motorized snow vehicles owned by manufacturers or dealers and not kept by them for private use; and

(*g*) prescribing the form and manner of displaying registration numbers. *New.*

False statement

3.—(1) No person shall knowingly make a false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or the regulations. R.S.O. 1970, c. 283, s. 3 (1).

Change of address

(2) Where an owner of a motorized snow vehicle changes his address as stated in an application for a permit or for a validation of a permit or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. R.S.O. 1970, c. 283, s. 3 (2), *amended*.

Change of ownership

(3) Every person who sells or purchases a motorized snow vehicle shall, within six days of the sale or purchase, forward to the Ministry on the prescribed form a notice of the sale or purchase. *New.*

Registration number to be kept clean, unobstructed

4. When a motorized snow vehicle is being driven, the registration number required to be displayed under subsection

7 of section 2 shall be kept free of dirt, snow and ice, in good repair and the view thereof shall not be obscured or obstructed by any part of the motorized snow vehicle or any equipment or attachment thereon or by the load carried thereon. R.S.O. 1970, c. 283, s. 4 (1), *amended*.

Driving on King's Highway or secondary highway

5.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle upon the serviced roadway of the King's Highway or of a secondary highway except to cross. *New*.

Regulations

(2) The Minister may make regulations designating any part or parts of the King's Highway or a secondary highway,

(*a*) across the serviced roadway of which no motorized snow vehicle may be driven;

(*b*) upon which motorized snow vehicles may be driven; or

(*c*) upon which motorized snow vehicles may not be driven. R.S.O. 1970, c. 283, s. 5 (2), *amended*.

Interpretation

6.—(1) In this section "local municipality" means a city, town, village or township. *New*.

Local municipality may pass by-laws

(2) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. R.S.O. 1970, c. 283, s. 6 (1).

Application of subs. 1

(3) Where a by-law is passed under subsection 2, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. R.S.O. 1970, c. 283, s. 6 (2).

County or municipalities may pass by-laws

(4) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. R.S.O. 1970, c. 283, s. 6 (3).

County or municipalities may pass prohibiting by-laws

(5) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county or of a district, metropolitan or regional municipality by a by-law passed under subsection 2, the council of the municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across the highway or any part thereof. *New*.

Territory without municipal organization

(6) The Lieutenant Governor in Council may make regulations regulating, governing or prohibiting the operation of motorized snow vehicles upon serviced roadways in territories without municipal organization.

Application of R.S.O. 1970, c. 284

(7) Part XXI of *The Municipal Act* applies to by-laws passed under this section. R.S.O. 1970, c. 283, s. 6 (5).

Crossing roadway

7. No person shall drive a motorized snow vehicle across a serviced roadway except at an angle of approximately 90 degrees to the direction of the serviced roadway. *New.*

Driving along highway

8.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle along a highway unless,

(*a*) he has attained the full age of sixteen years; and

(*b*) he holds a driver's licence; or

(*c*) he holds a motorized snow vehicle operator's licence; or

(*d*) he is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. R.S.O. 1970, c. 283, s. 7 (1), *amended*.

Driving across highway

(2) No person shall drive a motorized snow vehicle across a highway unless,

(*a*) he has attained the full age of fourteen years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. *New.*

Driving on public trails

(3) No person shall drive a motorized snow vehicle upon a public trail unless,

(*a*) he has attained the full age of twelve years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle.

9.—(1) The Minister may issue a motorized snow vehicle operator's licence to any person who has attained the full age of twelve years and who meets the requirements of this Act and the regulations authorizing the person to drive a motorized snow vehicle, subject to any conditions and for the period of time prescribed by the regulations. Minister may issue licence

(2) An applicant for a motorized snow vehicle operator's licence shall submit to such examinations as are prescribed by the regulations. *New.* Examinations

10. The provisions of *The Highway Traffic Act*, except Part XI, and of *The Motor Vehicle Accident Claims Act* do not apply to a motorized snow vehicle or to the driving thereof. R.S.O. 1970, c. 283, s. 8. Application of R.S.O. 1970, cc. 202, 281

11.—(1) No person shall drive a motorized snow vehicle upon a highway or public trail unless he is insured under a motor vehicle liability policy in accordance with *The Insurance Act*, and the owner of a motorized snow vehicle shall not permit any person to drive the vehicle upon a highway or public trail unless the driver is so insured. Insurance R.S.O. 1970, c. 224

(2) The driver of a motorized snow vehicle who drives or permits the driving of the motorized snow vehicle on a highway or public trail shall, upon the request of a police officer, constable or conservation officer, produce evidence that the driver thereof is insured under a motor vehicle liability policy in accordance with *The Insurance Act*. Production of evidence of insurance

(3) Every driver of a motorized snow vehicle who fails to produce evidence under subsection 2 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not more than $500. Offence for failure to produce evidence

(4) Every driver of a motorized snow vehicle who produces false evidence when he is required to produce evidence under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $500. R.S.O. 1970, c. 283, s. 9 (1-4), *amended*. Offence for producing false evidence

12.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property apparently exceeding $100, report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect of, Reporting of collision

(*a*) the names and addresses of the persons involved;

(*b*) the date and location of the occurrence; and

(*c*) the circumstances under which the collision occurred. R.S.O. 1970, c. 283, s. 10 (1), *amended*.

Disposition of report

(2) A police officer receiving a report of a collision under subsection 1 shall forward the report to the Registrar of Motor Vehicles within ten days of receiving it. R.S.O. 1970, c. 283, s. 10 (2).

Speed limit

13.—(1) No person shall drive a motorized snow vehicle at a greater rate of speed than,

(*a*) 15 miles per hour,

(i) on a highway where the speed limit established pursuant to *The Highway Traffic Act* is 30 miles per hour or less, or

R.S.O. 1970, c. 202

(ii) in any public park or exhibition grounds; or

(*b*) 30 miles per hour,

(i) on any highway which is open to motor vehicle traffic, where the speed limit established pursuant to *The Highway Traffic Act* is greater than 30 miles per hour, or

(ii) on a public trail. *New*.

Municipality may prescribe different rate of speed

(2) The council of a municipality may by by-law prescribe,

(*a*) a lower rate of speed for motorized snow vehicles upon any highway or part thereof under its jurisdiction; and

(*b*) a higher or lower rate of speed for motorized snow vehicles upon a public trail, public park or exhibition ground under its jurisdiction,

than is prescribed in subsection 1.

Lieutenant Governor in Council may prescribe different rate of speed

(3) The Lieutenant Governor in Council may by regulation prescribe a higher or lower rate of speed upon any public trail or any part thereof, public park or exhibition ground not under the jurisdiction of a municipality, than is prescribed in subsection 1.

By-law effective

(4) No by-law passed under subsection 2 or regulation made pursuant to subsection 3 becomes effective until signs are erected in accordance with the regulations.

14.—(1) Subject to subsection 2, every driver of a motorized snow vehicle shall carry his driver's licence or motorized snow vehicle operator's licence with him at all times while he is operating a motorized snow vehicle and shall produce it when demanded by a police officer, constable or conservation officer. Driver to carry licence

(2) A person shall not be required to carry his driver's licence or motorized snow vehicle operator's licence with him while operating a motorized snow vehicle on lands occupied by him. Exception

(3) Every person who is unable or refuses to produce his licence in accordance with subsection 1, when requested by a police officer, constable or conservation officer, shall identify himself by giving his correct name and address to the police officer, constable or conservation officer. Driver to identify self

(4) Upon the request of the owner or occupier of land upon which a person is operating a motorized snow vehicle, the person operating the motorized snow vehicle shall stop and identify himself by giving his correct name and address. Stopping on request

(5) Every police officer, constable or conservation officer, who, on reasonable and probable grounds, believes that a contravention of subsection 3 or 4 has been committed, may arrest without warrant any person whom the police officer, constable or conservation officer, on reasonable and probable grounds, believes has committed the contravention. *New*. Constable may arrest without warrant

15.—(1) No person shall drive a motorized snow vehicle unless it is equipped with a muffler in good working order and in constant operation and no person shall drive a motorized snow vehicle which has a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon the motorized snow vehicle. Muffler in working order

(2) No person shall drive or permit to be driven any motorized snow vehicle upon which any component or device, which was required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the motorized snow vehicle was manufactured or imported into Canada, has been removed, modified or rendered inoperative. Removing or modifying any component R.S.C. 1970, c. 26, (1st Supp.)

(3) Subsections 1 and 2 do not apply to a motorized snow vehicle while it is driven in a racing area sanctioned as such by the council of the local municipality within which the racing area is located. *New*. Exception in racing area

Towing by means of a rigid tow bar

16.—(1) No person shall drive a motorized snow vehicle which is towing a cutter, toboggan, sled or similar conveyance except by means of a rigid tow bar.

Towing on serviced roadway prohibited

(2) No person shall drive a motorized snow vehicle which is towing a person or conveyance on a serviced roadway except to cross the serviced roadway at an angle of approximately 90 degrees to the direction of the serviced roadway.

Exception for unditching, etc.

(3) This section does not apply to a person while he is driving a motorized snow vehicle for the sole purpose of unditching a stuck vehicle or conveyance or under an emergency rescue situation or while he is operating trail maintenance equipment. *New.*

Driver shall wear helmet

17. No person shall drive a motorized snow vehicle or ride on a motorized snow vehicle or on a cutter, toboggan, sled or similar conveyance towed by a motorized snow vehicle on a serviced roadway or public trail unless he is wearing a helmet that complies with the regulations. *New.*

Vehicle shall bear National Safety Mark

18.—(1) No person who deals in motorized snow vehicles or cutters designed to be drawn by motorized snow vehicles shall sell or offer to sell a new motorized snow vehicle or cutter manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicles Safety Act* (Canada), or that does not bear the National Safety Mark referred to therein.

R.S.C. 1970, c. 26 (1st Supp.)

Penalty

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $500. *New.*

Occupier's duty of care

19. An occupier of land owes no duty of care toward a person who is driving or riding on a motorized snow vehicle or being towed by a motorized snow vehicle upon the land and who is a trespasser or licensee except the duty to not create a danger with the deliberate intent of doing harm or damage to the trespasser or licensee or do a wilful act with reckless disregard of the presence of the trespasser or licensee. *New.*

Liability of owner

20.—(1) Where the driver of a motorized snow vehicle who is not the owner thereof is liable for damages respecting damage or injury arising out of the operation by him of the motorized snow vehicle with the consent of the owner, the owner is jointly and severally liable.

(2) Where a motorized snow vehicle is leased, the consent of the lessee of the motorized snow vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection 1, be deemed to be the consent of the owner of the motorized snow vehicle. *New.* Idem

21. The owner of a motorized snow vehicle shall incur the penalties provided for any contravention of this Act or the regulations or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention. *New.* Owner and driver liable for penalties

22.—(1) Every person who knowingly or unknowingly trespasses on land while operating a motorized snow vehicle is guilty of an offence and on summary conviction is liable to a fine not exceeding $500. Penalty for trespass

(2) Subject to subsection 3, liability under subsection 1 is not affected by reason only that the accused was given permission to be on the land, unless the permission is in writing signed by the owner or occupier of the land. Defence

(3) Subsection 2 does not apply where the land is unpatented Crown land. Application of subs. 2

(4) For the purpose of subsection 2, written permission given to a club or association shall be deemed to have been given to each member thereof. Clubs and associations

(5) For the purpose of subsection 2, written permission for the public in general given to a club or association that is in receipt of public money shall be deemed to have been given to the public in general. Public in general

(6) No action or prosecution for a contravention of subsection 1 shall be commenced except at the request of the owner or occupier of the land or his authorized agent. *New.* Prosecution on request only

23. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction where a fine for the contravention is not otherwise provided for herein is liable to a fine not exceeding $300. R.S.O. 1970, c. 283, s. 13, *amended.* Offences and fines

Regulations

24.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing rules for driving motorized snow vehicles upon a highway or any place other than a highway and requiring compliance therewith by every person driving a motorized snow vehicle;

(*b*) requiring, prohibiting or regulating the use of any equipment, ornament, device, accessory, material or component in or on any motorized snow vehicle or used in connection therewith and prescribing the specifications therefor;

(*c*) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry pursuant to this Act or the regulations, or any statement containing information from the records of the Ministry, and prescribing the amount of such fees;

(*d*) prescribing the term of validity of motorized snow vehicle operators' licences;

(*e*) prescribing conditions that shall apply to motorized snow vehicle operators' licences;

(*f*) prescribing the standards and specifications of helmets referred to in section 17 and providing for and requiring the identification and marking of such helmets;

(*g*) providing for the erection of signs on any highway or public trail and prescribing the types of signs and the location of each type of sign;

(*h*) designating classes of motorized snow vehicles which are exempt from the provisions of sections 2 and 8;

(*i*) designating areas within Ontario to which any provisions of this Act or the regulations do not apply;

(*j*) designating classes of persons to whom any provisions of this Act and the regulations do not apply;

(*k*) respecting tests to determine the knowledge and competence of applicants for motorized snow vehicle operators' licences; and

(*l*) prescribing standards required to obtain and maintain a motorized snow vehicle operator's licence. R.S.O. 1970, c. 283, s. 12, *amended*.

Regulation may adopt by reference

(2) Any regulation made under clause *b* or *f* of subsection 1 may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is adopted. *New*.

Driver shall obey signs

(3) Every driver of a motorized snow vehicle shall obey the instructions and directions indicated on any sign erected pursuant to regulations made under clause *g* of subsection 1. *New*.

Repeal

25. *The Motorized Snow Vehicles Act*, being chapter 283 of the Revised Statutes of Ontario, 1970, is repealed.

Commencement

26.—(1) This Act, except subsection 7 of section 2, clause *c* of subsection 1 and subsections 2 and 3 of section 8 and section 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 7 of section 2, clause *c* of subsection 1 and subsections 2 and 3 of section 8 and section 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

27. This Act may be cited as *The Motorized Snow Vehicles Act, 1974*.

BILL 161

The Motorized Snow Vehicles Act, 1974

1st Reading

December 3rd, 1974

2nd Reading

December 20th, 1974

3rd Reading

December 20th, 1974

THE HON. J. R. RHODES
Minister of Transportation and Communications

Ontario. Legislative Assembly
Government Publications

BILL 162

Government Bill

CA2ON
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4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Coroners Act, 1972

The Hon. G. A. Kerr
Solicitor General



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Notes

Section 1. The amendment provides for the appointment of all coroners to be for the whole of Ontario.

Section 2. Provision is made for a Deputy Chief Coroner.

Section 3. The new provision codifies the practice now generally existing for the local police to assist the coroner at, for example, the scene of an accident.

Section 4. The amendment is for certainty that a coroner's warrant for burial is required in all coroner's cases.

Section 5. Complementary to section 3 of this Bill.

Section 6. The amendment corrects a typographical error.

BILL 162 **1974**

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Coroners Act, 1972*, being chapter 98, is amended by striking out "any part of" in the third line. s. 3 (1), amended

(2) The appointment of every coroner appointed for part of Ontario shall, after this Act comes into force, be deemed to be an appointment for Ontario. Appointments deemed for all of Ontario

2. Section 4 of the said Act is amended by adding thereto the following subsection: s. 4, amended

(2) The Lieutenant Governor in Council may appoint a coroner to be Deputy Chief Coroner for Ontario who shall act as and have all the powers and authority of the Chief Coroner during the absence of the Chief Coroner or his inability to act. Deputy Chief Coroner

3. The said Act is amended by adding thereto the following section: s. 8*a*, enacted

8*a*. The police force having jurisdiction in a municipality shall make available to the coroner the assistance of such police officers as are necessary for the purpose of carrying out his duties. Police assistance

4. Section 10 of the said Act is amended by adding at the end thereof "by his warrant". s. 10, amended

5. Subsection 1 of section 11 of the said Act is amended by striking out "constables" in the fifth line and inserting in lieu thereof "police officers". s. 11 (1), amended

6. Clause *b* of subsection 2 of section 14 of the said Act is amended by striking out "to" in the third line. s. 14 (2) (*b*), amended

s. 16 (1), amended

7. Subsection 1 of section 16 of the said Act is amended by striking out "shall issue his warrant to bury the body and" in the second and third lines, and by striking out "and the grounds on which the warrant has been issued" in the fifth and sixth lines.

s. 21, amended

8. Section 21 of the said Act is amended by adding thereto the following subsection:

Inquest into multiple deaths

(2) Where two or more deaths appear to have occurred in the same event or from a common cause, the Chief Coroner may direct that one inquest be held into all of the deaths.

s. 21*a*, enacted

9. The said Act is further amended by adding thereto the following section:

Request by relative for inquest

21*a*.—(1) Where the coroner determines that an inquest is unnecessary, the spouse, parent, child, brother, sister or personal representative of a deceased person may request the coroner in writing to hold an inquest, and the coroner shall give the person requesting the inquest an opportunity to state his reasons, either personally, by his agent or in writing, and the coroner shall advise the person in writing within sixty days of the receipt of the request of his final decision and where the decision is to not hold an inquest shall deliver his reasons therefor in writing.

Review of refusal

(2) Where the final decision of a coroner under subsection 1 is to not hold an inquest, the person making the request may, within twenty days after the receipt of the decision of the coroner, request the Chief Coroner to review the decision and the Chief Coroner shall review the decision of the coroner after giving the person requesting the inquest an opportunity to state his reasons either personally, by his agent or in writing.

Decision final

(3) Subject to section 19, the decision of the Chief Coroner is final.

s. 23 (2), amended

10. Subsection 2 of section 23 of the said Act is amended by inserting after "writing" in the second line "only" and by inserting after "*post mortem*" in the seventh line "the Crown attorney".

s. 24 (1), amended

11.—(1) Subsection 1 of section 24 of the said Act is amended by striking out "be deemed to be a person with standing" in the fourth and fifth lines and inserting in lieu thereof "act as counsel to the coroner".

s. 24 (2), re-enacted

(2) Subsection 2 of the said section 24 is repealed and the following substituted therefor:

SECTION 7. Complementary to section 4 of this Bill.

SECTION 8. The amendment permits one inquest into a disaster involving multiple deaths.

SECTION 9. The new provision regularizes a procedure for dealing with a request by relatives of a deceased that an inquest be held. The procedure ensures deliberate consideration of the request with review by the Chief Coroner on request.

SECTION 10. The amendment corrects an oversight by ensuring that a copy of the results of other examinations goes to the Crown attorney in the same way as he now receives a copy of the results of the *post mortem*.

SECTION 11. The amendments more accurately state the existing role of the Crown attorney at an inquest as well as that of counsel for the Minister.

SECTION 12. The amendment makes provision for the supply of jurors for inquests from the jury roll prepared under *The Juries Act, 1974* and supplementary provisions respecting coroners' juries.

(2) The Minister may be represented at an inquest by counsel and shall be deemed to be a person with standing at the inquest for the purpose. Counsel for Minister

12. Section 28 of the said Act is repealed and the following substituted therefor: s. 28, re-enacted

28.—(1) A coroner may by his warrant require the sheriff of a county or district in which an inquest is to be held to provide a list of the names of such number of persons as the coroner specifies in the warrant taken from the jury roll prepared under *The Juries Act, 1974*. List of jurors 1974, c. 63

(2) Upon receipt of the warrant, the sheriff shall provide the list containing names of persons in the number specified by the coroner, taken from the jury roll prepared under *The Juries Act, 1974*, together with their ages, places of residence and occupations. Idem

(3) No person who is ineligible to serve as a juror under *The Juries Act, 1974* shall be summoned to serve or shall serve as a juror at an inquest. Eligibility

(4) An officer, employee or inmate of a hospital or an institution referred to in subsection 2 or 3 of section 9 shall not serve as a juror at an inquest upon the death of a person who died therein. Idem

(5) The coroner may excuse any person on the list from being summoned or from serving as a juror on the grounds of illness or hardship. Excusing from service

(6) The coroner presiding at an inquest may exclude a person from being sworn as a juror where the coroner believes there is a likelihood that the person, because of interest or bias, would be unable to render a verdict in accordance with the evidence. Exclusion of juror with interest

(7) Where in the course of an inquest the coroner is satisfied that a juror should not, because of illness or other reasonable cause, continue to act, the coroner may discharge the juror. Excusing of juror for illness

(8) Where in the course of an inquest a member of the jury dies or becomes incapacitated from any cause or is excluded or discharged by the coroner under subsection 6 or 7 or is found to be ineligible to serve, the jury shall, unless the coroner otherwise directs and if the number of jurors is not reduced below three, be deemed to remain properly constituted for all purposes of the inquest. Continuation with reduced jury

Report to sheriff

28*a*. On or before the 31st day of December in each year, the coroner shall advise the sheriff of the names of persons who have received fees for service as jurors at inquests and the number of each such name on the jury roll.

Omissions to not vitiate proceedings

28*b*. The omission to observe any of the provisions of this Act or the regulations respecting the eligibility and selection of jurors is not a ground for impeaching or quashing a verdict.

s. 34 (2), amended

13. Subsection 2 of section 34 of the said Act is amended by striking out "inform the witness" in the fourth line and inserting in lieu thereof "ensure that the witness is informed".

s. 40 (2), re-enacted

14. Subsection 2 of section 40 of the said Act is repealed and the following substituted therefor:

Constables at inquest

(2) A coroner may appoint such persons as constables as he considers necessary for the purpose of assisting him in an inquest and, on the request of the coroner, the police force having jurisdiction in the locality in which an inquest is held shall provide a police officer for the purpose and, before acting, every such constable shall take oath or affirm that he will faithfully perform his duties.

s. 44, amended

15. Section 44 of the said Act is amended by adding thereto the following subsection:

Release of exhibits

(2) After an inquest is concluded, the coroner shall, upon request, release documents and things put in evidence at the inquest to the lawful owner or person entitled to possession thereof.

s. 47 (*b*), re-enacted

16.—(1) Clause *b* of section 47 of the said Act is repealed and the following substituted therefor:

(*b*) prescribing fees and allowances for coroners for services performed under this or any other Act and providing for the adjustment of such fees and allowances in special circumstances.

s. 47, amended

(2) The said section 47 is amended by adding thereto the following clauses:

(*ca*) providing for the selecting, recording, summoning, attendance and service of persons as jurors at inquests;

SECTION 13. The provision amended requires both the coroner and the Crown attorney to advise a witness of his rights under the *Canada Evidence Act*. The amendment makes it sufficient for the witness to be advised by any means.

SECTION 14. The amendment recognizes the present practice for the coroner to have a police officer to act as clerk of the inquest.

SECTION 15. The amendment makes provision for the return of exhibits after an inquest.

SECTION 16.—Subsection 1. The authority to prescribe by regulation the fees payable to coroners is enlarged to include expenses and to permit adjustment in special circumstances.

Subsection 2. Clause *ca* is complementary to section 13 of this Bill. Clause *cb* is self-explanatory.

(*cb*) prescribing the contents of oaths and affirmations required or authorized by this Act.

17. This Act comes into force on the day it receives Royal Assent. Commencement

18. This Act may be cited as *The Coroners Amendment Act, 1974*. Short title

BILL 162

An Act to amend
The Coroners Act, 1972

1st Reading

December 3rd, 1974

2nd Reading

3rd Reading

THE HON. G. A. KERR
Solicitor General

(*Government Bill*)

CAZON
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Government
Publications

BILL 162

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Legislative Assembly
Bill 15

An Act to amend The Coroners Act, 1972

The Hon. G. A. Kerr
Solicitor General



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

BILL 162 **1974**

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Coroners Act, 1972*, being chapter 98, is amended by striking out "any part of" in the third line. s. 3 (1), amended

(2) The appointment of every coroner appointed for part of Ontario shall, after this Act comes into force, be deemed to be an appointment for Ontario. Appointments deemed for all of Ontario

2. Section 4 of the said Act is amended by adding thereto the following subsection: s. 4, amended

(2) The Lieutenant Governor in Council may appoint a coroner to be Deputy Chief Coroner for Ontario who shall act as and have all the powers and authority of the Chief Coroner during the absence of the Chief Coroner or his inability to act. Deputy Chief Coroner

3. The said Act is amended by adding thereto the following section: s. 8*a*, enacted

8*a*. The police force having jurisdiction in a municipality shall make available to the coroner the assistance of such police officers as are necessary for the purpose of carrying out his duties. Police assistance

4. Section 10 of the said Act is amended by adding at the end thereof "by his warrant". s. 10, amended

5. Subsection 1 of section 11 of the said Act is amended by striking out "constables" in the fifth line and inserting in lieu thereof "police officers". s. 11 (1), amended

6. Clause *b* of subsection 2 of section 14 of the said Act is amended by striking out "to" in the third line. s. 14 (2) (*b*), amended

s. 16 (1), amended

7. Subsection 1 of section 16 of the said Act is amended by striking out "shall issue his warrant to bury the body and" in the second and third lines, and by striking out "and the grounds on which the warrant has been issued" in the fifth and sixth lines.

s. 21, amended

8. Section 21 of the said Act is amended by adding thereto the following subsection:

Inquest into multiple deaths

(2) Where two or more deaths appear to have occurred in the same event or from a common cause, the Chief Coroner may direct that one inquest be held into all of the deaths.

s. 21*a*, enacted

9. The said Act is further amended by adding thereto the following section:

Request by relative for inquest

21*a*.—(1) Where the coroner determines that an inquest is unnecessary, the spouse, parent, child, brother, sister or personal representative of a deceased person may request the coroner in writing to hold an inquest, and the coroner shall give the person requesting the inquest an opportunity to state his reasons, either personally, by his agent or in writing, and the coroner shall advise the person in writing within sixty days of the receipt of the request of his final decision and where the decision is to not hold an inquest shall deliver his reasons therefor in writing.

Review of refusal

(2) Where the final decision of a coroner under subsection 1 is to not hold an inquest, the person making the request may, within twenty days after the receipt of the decision of the coroner, request the Chief Coroner to review the decision and the Chief Coroner shall review the decision of the coroner after giving the person requesting the inquest an opportunity to state his reasons either personally, by his agent or in writing.

Decision final

(3) Subject to section 19, the decision of the Chief Coroner is final.

s. 23 (2), amended

10. Subsection 2 of section 23 of the said Act is amended by inserting after "writing" in the second line "only" and by inserting after "*post mortem*" in the seventh line "the Crown attorney".

s. 24 (1), amended

11.—(1) Subsection 1 of section 24 of the said Act is amended by striking out "be deemed to be a person with standing" in the fourth and fifth lines and inserting in lieu thereof "act as counsel to the coroner".

s. 24 (2), re-enacted

(2) Subsection 2 of the said section 24 is repealed and the following substituted therefor:

(2) The Minister may be represented at an inquest by counsel and shall be deemed to be a person with standing at the inquest for the purpose. Counsel for Minister

12. Section 28 of the said Act is repealed and the following substituted therefor: s. 28, re-enacted

28.—(1) A coroner may by his warrant require the sheriff of a county or district in which an inquest is to be held to provide a list of the names of such number of persons as the coroner specifies in the warrant taken from the jury roll prepared under *The Juries Act, 1974*. List of jurors 1974, c. 63

(2) Upon receipt of the warrant, the sheriff shall provide the list containing names of persons in the number specified by the coroner, taken from the jury roll prepared under *The Juries Act, 1974*, together with their ages, places of residence and occupations. Idem

(3) No person who is ineligible to serve as a juror under *The Juries Act, 1974* shall be summoned to serve or shall serve as a juror at an inquest. Eligibility

(4) An officer, employee or inmate of a hospital or an institution referred to in subsection 2 or 3 of section 9 shall not serve as a juror at an inquest upon the death of a person who died therein. Idem

(5) The coroner may excuse any person on the list from being summoned or from serving as a juror on the grounds of illness or hardship. Excusing from service

(6) The coroner presiding at an inquest may exclude a person from being sworn as a juror where the coroner believes there is a likelihood that the person, because of interest or bias, would be unable to render a verdict in accordance with the evidence. Exclusion of juror with interest

(7) Where in the course of an inquest the coroner is satisfied that a juror should not, because of illness or other reasonable cause, continue to act, the coroner may discharge the juror. Excusing of juror for illness

(8) Where in the course of an inquest a member of the jury dies or becomes incapacitated from any cause or is excluded or discharged by the coroner under subsection 6 or 7 or is found to be ineligible to serve, the jury shall, unless the coroner otherwise directs and if the number of jurors is not reduced below three, be deemed to remain properly constituted for all purposes of the inquest. Continuation with reduced jury

Report to sheriff

28*a*. On or before the 31st day of December in each year, the coroner shall advise the sheriff of the names of persons who have received fees for service as jurors at inquests and the number of each such name on the jury roll.

Omissions to not vitiate proceedings

28*b*. The omission to observe any of the provisions of this Act or the regulations respecting the eligibility and selection of jurors is not a ground for impeaching or quashing a verdict.

s. 34 (2), amended

13. Subsection 2 of section 34 of the said Act is amended by striking out "inform the witness" in the fourth line and inserting in lieu thereof "ensure that the witness is informed".

s. 40 (2), re-enacted

14. Subsection 2 of section 40 of the said Act is repealed and the following substituted therefor:

Constables at inquest

(2) A coroner may appoint such persons as constables as he considers necessary for the purpose of assisting him in an inquest and, on the request of the coroner, the police force having jurisdiction in the locality in which an inquest is held shall provide a police officer for the purpose and, before acting, every such constable shall take oath or affirm that he will faithfully perform his duties.

s. 44, amended

15. Section 44 of the said Act is amended by adding thereto the following subsection:

Release of exhibits

(2) After an inquest is concluded, the coroner shall, upon request, release documents and things put in evidence at the inquest to the lawful owner or person entitled to possession thereof.

s. 47 (*b*), re-enacted

16.—(1) Clause *b* of section 47 of the said Act is repealed and the following substituted therefor:

(*b*) prescribing fees and allowances for coroners for services performed under this or any other Act and providing for the adjustment of such fees and allowances in special circumstances.

s. 47, amended

(2) The said section 47 is amended by adding thereto the following clauses:

(*ca*) providing for the selecting, recording, summoning, attendance and service of persons as jurors at inquests;

(*cb*) prescribing the contents of oaths and affirmations required or authorized by this Act.

17. This Act comes into force on the day it receives Royal Assent. Commencement

18. This Act may be cited as *The Coroners Amendment Act, 1974*. Short title

BILL 162

An Act to amend
The Coroners Act, 1972

1st Reading

December 3rd, 1974

2nd Reading

December 9th, 1974

3rd Reading

December 9th, 1974

THE HON. G. A. KERR
Solicitor General

Government Publications

Ontario. Legislative Assembly

BILL 163

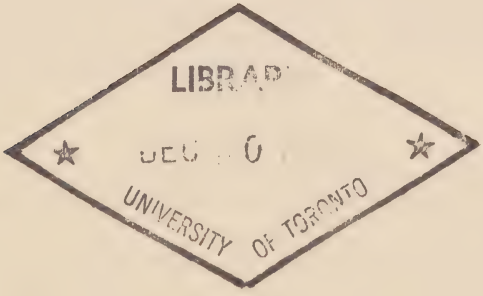
Government Bill

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4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Industrial Safety Act, 1971

The Hon. J. MacBeth
Minister of Labour



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Note

The purpose of the Bill is to repeal *The Loggers' Safety Act* and to make *The Industrial Safety Act, 1971* applicable to logging.

BILL 163 **1974**

An Act to amend The Industrial Safety Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *j* of section 1 of *The Industrial Safety Act, 1971*, being chapter 43, is repealed and the following substituted therefor: s. 1 (*j*), re-enacted

(*j*) "industrial establishment" means an office building, factory, shop or office and includes a place where logging is carried on and any land, buildings and structures appertaining thereto.

(2) The said section 1, as amended by the Statutes of Ontario, 1972, chapter 122, sections 1 and 3, is further amended by adding thereto the following clauses: s. 1, amended

(*ka*) "log" includes tree-length pulpwood and a pit prop, pole, post, tie or any similar product;

(*kb*) "logging" means the operation of felling or trimming trees or the measuring, storing, transporting or floating of logs, and includes any of such activities for the clearing of land;

. . . . .

(*t*) "tree" means a tree that is standing or is down from which the limbs have not been removed.

2. Clause *c* of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (*c*), re-enacted

(*c*) logging being done solely by an individual in person on his own behalf and for his personal use;

(*ca*) the felling or trimming of trees for horticultural or aesthetic purposes.

s. 5 (2), re-enacted

3. Subsection 2 of section 5 of the said Act is repealed and the following substituted therefor:

Person deemed employer

(2) Notwithstanding subsection 1, and except at a place where logging is carried on, any person who under a contract with an employer or owner of an industrial establishment supplies the employer or owner with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied.

s. 23*a*, enacted

4. The said Act is amended by adding thereto the following section:

Notice to be given

23*a*.—(1) Subject to subsections 2 and 3, an employer shall give to the Director notice of logging in the form prescribed by the regulations.

Idem

(2) Where the logging of which notice is given is to be carried on after the 31st day of March next following the day upon which the notice is given, the employer shall give to the Director a new notice of logging in the form prescribed by the regulations on or before that 31st day of March.

Exception R.S.O. 1970, cc. 179, 102

(3) This section does not apply to logging for which a work permit has been issued under *The Forest Fires Prevention Act* or a licence to cut Crown timber has been issued under *The Crown Timber Act*, or to the felling or trimming of trees by a public utility, a telephone company, a municipality or the Province of Ontario.

s. 24 (1) (*e*), re-enacted

5. Clause *e* of subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:

(*e*) in a factory and at a place where logging is carried on, a copy of this Act and the regulations are provided and maintained in good condition in a location readily accessible to the employees.

s. 28, amended

6. Section 28 of the said Act is amended by adding thereto the following subsection:

Minimum age

(4) Notwithstanding subsections 1 and 2, no person shall employ a person under the age of sixteen years at a place where logging is carried on.

s. 33 (2), re-enacted

7. Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:

(2) Subject to subsection 3, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. Preservation of wreckage

(3) Where logging is carried on, the permission of an inspector shall not be required where the interfering with, disturbing, destroying, carrying away or alteration of any wreckage, article or thing at the scene of or connected with the occurrence is required to prevent unnecessary damage to equipment or other property. Exception

8. *The Loggers' Safety Act*, being chapter 257 of the Revised Statutes of Ontario, 1970, section 54 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, and section 83 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed. Repeals

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

10. This Act may be cited as *The Industrial Safety Amendment Act, 1974*. Short title

BILL 163

An Act to amend
The Industrial Safety Act, 1971

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

THE HON. J. MACBETH
Minister of Labour

(*Government Bill*)

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Government
Publications

BILL 163

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Legislative Assembly
No. 163

An Act to amend The Industrial Safety Act, 1971

The Hon. J. MacBeth
Minister of Labour



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario



BILL 163 **1974**

An Act to amend The Industrial Safety Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *j* of section 1 of *The Industrial Safety Act, 1971*, being chapter 43, is repealed and the following substituted therefor: s. 1 (*j*), re-enacted

(*j*) "industrial establishment" means an office building, factory, shop or office and includes a place where logging is carried on and any land, buildings and structures appertaining thereto.

(2) The said section 1, as amended by the Statutes of Ontario, 1972, chapter 122, sections 1 and 3, is further amended by adding thereto the following clauses: s. 1, amended

(*ka*) "log" includes tree-length pulpwood and a pit prop, pole, post, tie or any similar product;

(*kb*) "logging" means the operation of felling or trimming trees or the measuring, storing, transporting or floating of logs, and includes any of such activities for the clearing of land;

. . . . . .

(*t*) "tree" means a tree that is standing or is down from which the limbs have not been removed.

2. Clause *c* of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (*c*), re-enacted

(*c*) logging being done solely by an individual in person on his own behalf and for his personal use;

(*ca*) the felling or trimming of trees for horticultural or aesthetic purposes.

s. 5 (2), re-enacted

3. Subsection 2 of section 5 of the said Act is repealed and the following substituted therefor:

Person deemed employer

(2) Notwithstanding subsection 1, and except at a place where logging is carried on, any person who under a contract with an employer or owner of an industrial establishment supplies the employer or owner with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied.

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4. The said Act is amended by adding thereto the following section:

Notice to be given

23*a*.—(1) Subject to subsections 2 and 3, an employer shall give to the Director notice of logging in the form prescribed by the regulations.

Idem

(2) Where the logging of which notice is given is to be carried on after the 31st day of March next following the day upon which the notice is given, the employer shall give to the Director a new notice of logging in the form prescribed by the regulations on or before that 31st day of March.

Exception R.S.O. 1970, cc. 179, 102

(3) This section does not apply to logging for which a work permit has been issued under *The Forest Fires Prevention Act* or a licence to cut Crown timber has been issued under *The Crown Timber Act*, or to the felling or trimming of trees by a public utility, a telephone company, a municipality or the Province of Ontario.

s. 24 (1) (*e*), re-enacted

5. Clause *e* of subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:

(*e*) in a factory and at a place where logging is carried on, a copy of this Act and the regulations are provided and maintained in good condition in a location readily accessible to the employees.

s. 28, amended

6. Section 28 of the said Act is amended by adding thereto the following subsection:

Minimum age

(4) Notwithstanding subsections 1 and 2, no person shall employ a person under the age of sixteen years at a place where logging is carried on.

s. 33 (2), re-enacted

7. Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:

(2) Subject to subsection 3, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. Preservation of wreckage

(3) Where logging is carried on, the permission of an inspector shall not be required where the interfering with, disturbing, destroying, carrying away or alteration of any wreckage, article or thing at the scene of or connected with the occurrence is required to prevent unnecessary damage to equipment or other property. Exception

8. *The Loggers' Safety Act*, being chapter 257 of the Revised Statutes of Ontario, 1970, section 54 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, and section 83 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed. Repeals

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

10. This Act may be cited as *The Industrial Safety Amendment Act, 1974*. Short title

BILL 163

An Act to amend
The Industrial Safety Act, 1971

1st Reading

December 5th, 1974

2nd Reading

December 9th, 1974

3rd Reading

December 9th, 1974

THE HON. J. MACBETH
Minister of Labour

AZON
B Ontario. Legislative Assembly
B 56

BILL 164

Government Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Municipality of Metropolitan Toronto Act

The Hon. J. White
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Notes

Section 1. The controller or controllers of certain area municipalities who receive the greatest number of votes at the municipal election obtain a seat on the Executive Committee of the new Metropolitan Council organized after the election; the amendment contemplates the possibility of an acclamation or an equality of votes and provides how the matter is then determined.

Section 2. The amendment will give greater flexibility to the Metropolitan Corporation in setting the fees to be charged to persons using its waste disposal sites.

Section 3. The section relates to the annexation of a portion of the former Township of Pickering to the Borough of Scarborough on the 1st day of January, 1974; its effect is to vest certain school property in the annexed area in the Scarborough Board of Education and to provide for the retirement of the existing debenture debt in relation to such property by the Metropolitan Corporation in the same manner as other outstanding debentures issued for school purposes in the Metropolitan Area.

BILL 164 **1974**

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 2, is amended by adding thereto the following subsection: s. 12, amended

(1*a*) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller or controllers is or are entitled to be a member or members of the Executive Committee, the matter shall be determined by resolution of the council of the area municipality. Acclamation or equality of votes

2. Subsection 2 of section 65 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 89, section 1, is further amended by striking out "of waste" in the ninth line and inserting in lieu thereof "volumes or weights of waste or may vary having regard to such other criteria in respect of waste as the Metropolitan Council considers appropriate". s. 65 (2), amended

3. The said Act is amended by adding thereto the following section: s. 133*a*, enacted

133*a*.—(1) All real property in that portion of the Township of Pickering annexed to The Corporation of the Borough of Scarborough under subsection 1*a* of section 148 vested in The Ontario County Board of Education on the 31st day of December, 1973, is vested in The Board of Education for the Borough of Scarborough. Property vested in Scarborough Board of Education

(2) No compensation shall be payable by The Board of Education for the Borough of Scarborough, but on or after Liability of Metropolitan Corporation

the 1st day of January, 1974, the Metropolitan Corporation shall pay to The Corporation of the Town of Pickering before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued in respect of any property vested in The Board of Education for the Borough of Scarborough under subsection 1, and The Corporation of the Town of Pickering shall reimburse the Borough of Scarborough for the amount of any payments made by the Borough of Scarborough to The Corporation of the Town of Pickering in respect of such debentures.

Liability for debenture payments made by Metropolitan Corporation

(3) All amounts of principal and interest becoming due in respect of the debentures referred to in subsection 2 shall be included in the estimates of the School Board under subclause iv of clause *g* of subsection 1 of section 127 and shall be repaid by levies against all the area municipalities.

s. 146 (9) (*b*), amended

4. Clause *b* of subsection 9 of section 146 of the said Act is amended by adding at the end thereof "and may, with the approval of the Metropolitan Council, acquire or erect on its land, buildings larger than are required for library or branch library purposes, and may lease any parts of the buildings not so required, and shall be deemed to have always had such powers".

s. 183, amended

5. Section 183 of the said Act is amended by adding thereto the following subsection:

Pension benefits for widows

(15*a*) Notwithstanding this or any other Act, the Metropolitan Council may by by-law provide pension benefits for widows of members of the Metropolitan Police Force whose services were terminated by death or retirement prior to the 1st day of January, 1963.

s. 241 (1), amended

6. Subsection 1 of section 241 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 7, is further amended by inserting after "249" in the second line "subsection 3 of section 308" and by inserting after "3" in the second line "10, 11, 12".

s. 244, amended

7. Section 244 of the said Act is amended by striking out "and for which grant or grants there is no express authority provided by any other Act" in the fifth, sixth and seventh lines.

Commencement

8.—(1) This Act, except sections 1 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1974.

SECTION 4. The amendment permits the Metropolitan Toronto Library Board to lease a part of any of its buildings under the conditions indicated.

SECTION 5. Pension benefits for widows of members of the Metropolitan Police Force were instituted in 1963. The added subsection will allow pensions to be granted to widows of members of the Police Force who died or retired prior to the 1st day of January, 1963, and who are presently in receipt of no pension benefits.

SECTION 6. The effect of the amendment is to permit the Metropolitan Corporation to become a member of any union of Ontario municipalities, to permit its employees to become members of any municipal association for improving technical skills and to pay tuition fees for its employees enrolled in college or university courses that will assist them in the discharge of their duties; these powers are presently vested in all local municipalities and counties. Additionally, provision is added to permit one consolidated bank account in which may be deposited moneys raised for all reserve funds rather than keeping a separate account for each reserve fund.

SECTION 7. The amendment removes any limitation on the power of the Metropolitan Council to make grants to institutions, associations and persons engaged in works that are for the general advantage of the inhabitants of the Metropolitan Area.

(3) Section 1 comes into force on the 1st day of January, 1975. Idem

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1974 (No. 2)*. Short title

BILL 164

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

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Government
Publications

BILL 164

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Municipality of Metropolitan Toronto Act

The Hon. J. White
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario



BILL 164 **1974**

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 2, is amended by adding thereto the following subsection: s. 12, amended

(1*a*) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller or controllers is or are entitled to be a member or members of the Executive Committee, the matter shall be determined by resolution of the council of the area municipality. Acclamation or equality of votes

2. Subsection 2 of section 65 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 89, section 1, is further amended by striking out "of waste" in the ninth line and inserting in lieu thereof "volumes or weights of waste or may vary having regard to such other criteria in respect of waste as the Metropolitan Council considers appropriate". s. 65 (2), amended

3. The said Act is amended by adding thereto the following section: s. 133*a*, enacted

133*a*.—(1) All real property in that portion of the Township of Pickering annexed to The Corporation of the Borough of Scarborough under subsection 1*a* of section 148 vested in The Ontario County Board of Education on the 31st day of December, 1973, is vested in The Board of Education for the Borough of Scarborough. Property vested in Scarborough Board of Education

(2) No compensation shall be payable by The Board of Education for the Borough of Scarborough, but on or after Liability of Metropolitan Corporation

the 1st day of January, 1974, the Metropolitan Corporation shall pay to The Corporation of the Town of Pickering before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued in respect of any property vested in The Board of Education for the Borough of Scarborough under subsection 1, and The Corporation of the Town of Pickering shall reimburse the Borough of Scarborough for the amount of any payments made by the Borough of Scarborough to The Corporation of the Town of Pickering in respect of such debentures.

Liability for debenture payments made by Metropolitan Corporation

(3) All amounts of principal and interest becoming due in respect of the debentures referred to in subsection 2 shall be included in the estimates of the School Board under subclause iv of clause *g* of subsection 1 of section 127 and shall be repaid by levies against all the area municipalities.

s. 146 (9) (*b*), amended

4. Clause *b* of subsection 9 of section 146 of the said Act is amended by adding at the end thereof "and may, with the approval of the Metropolitan Council, acquire or erect on its land, buildings larger than are required for library or branch library purposes, and may lease any parts of the buildings not so required, and shall be deemed to have always had such powers".

s. 183, amended

5. Section 183 of the said Act is amended by adding thereto the following subsection:

Pension benefits for widows

(15*a*) Notwithstanding this or any other Act, the Metropolitan Council may by by-law provide pension benefits for widows of members of the Metropolitan Police Force whose services were terminated by death or retirement prior to the 1st day of January, 1963.

s. 241 (1), amended

6. Subsection 1 of section 241 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 7, is further amended by inserting after "249" in the second line "subsection 3 of section 308" and by inserting after "3" in the second line "10, 11, 12".

s. 244, amended

7. Section 244 of the said Act is amended by striking out "and for which grant or grants there is no express authority provided by any other Act" in the fifth, sixth and seventh lines.

Commencement

8.—(1) This Act, except sections 1 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1974.

(3) Section 1 comes into force on the 1st day of January, 1975. Idem

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1974 (No. 2)*. Short title

BILL 164

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

December 5th, 1974

2nd Reading

December 13th, 1974

3rd Reading

December 13th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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BILL 165 Government Bill

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

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Publications

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An Act to regulate the Business of selling and dealing in Travel Services

The Hon. J. T. Clement
Minister of Consumer and Commercial Relations

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Explanatory Note

The Bill requires registration of travel agents and other persons acting as brokers in the sale of services for travellers.

Other controls include,

1. requirements for trust accounts, bonding and compensation funds;
2. liability for the return of deposits paid by customers;
3. control of advertising;
4. inspections.



BILL 165 **1974**

An Act to regulate the Business of selling and dealing in Travel Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Director" means the Director under *The Ministry of Consumer and Commercial Relations Act*; R.S.O. 1970, c. 113

(*b*) "Minister" means the Minister of Consumer and Commercial Relations;

(*c*) "Registrar" means the Registrar appointed under section 2;

(*d*) "regulations" means the regulations made under this Act;

(*e*) "travel agent" means a person who carries on the business of selling to the public travel services provided by another person;

(*f*) "travel salesman" means a person who deals with the public in the performance of the functions of the travel agent as set out in clause *e*;

(*g*) "travel service" means transportation, sleeping accommodation or other service for the use of a traveller, tourist or sightseer;

(*h*) "travel wholesaler" means a person who purchases or acquires from another person rights to a travel service for the purposes of resale or who carries on the business of dealing with travel agents or other travel wholesalers for the sale of travel services provided by another;

R.S.O. 1970, c. 113

(*i*) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

Registrar

2.—(1) The Lieutenant Governor in Council shall appoint a Registrar for the purposes of this Act.

Duties

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Acting as travel agents and travel wholesalers

3.—(1) No person shall act or hold himself out as being available to act as a travel agent or travel wholesaler unless he is registered by the Registrar under this Act.

Offices of travel agents

(2) A travel agent shall not conduct business from a place at which the public is invited to deal unless it is named in the registration and where there are more than one such places, one shall be designated in the registration as the main office and the remainder as branch offices.

Acting as travel salesmen

(3) No person shall act as a travel salesman unless he is registered by the Registrar under this Act.

Registration of agencies

4.—(1) An applicant is entitled to registration or renewal of registration as a travel agent or travel wholesaler by the Registrar except where,

(*a*) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(*b*) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(*c*) the applicant is a corporation and,

(i) is incorporated without share capital; or

(ii) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(iii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(*d*) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A travel agent or applicant for registration as a travel agent is entitled to have any place of business he specifies named in the registration except such branch offices as are in contravention of the regulations. Registration of offices of travel agents

(3) An applicant is entitled to registration or renewal of registration as a travel salesman by the Registrar except where, Registration of travel salesmen

(*a*) he is a corporation; or

(*b*) he is not in the employ of a travel agent; or

(*c*) the past conduct of the applicant affords reasonable grounds for belief that he will not carry out his duties in accordance with law and with integrity and honesty.

(4) Without restricting the generality of clause *b* of subsection 1, subclause iii of clause *c* of subsection 1 and subsection 3, a conviction within the previous five years for theft in any of its forms or for an offence under paragraph *f*, *g*, *h*, *i* or *j* of section 46 of the *Immigration Act* (Canada) is sufficient grounds for the purpose of those provisions. Integrity

R.S.C. 1970, c. I-2

(5) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4. Refusal to register

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Revocation and refusal to renew

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration or to refuse to name a branch office in a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing. Notice requiring hearing

Powers of Registrar where no hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Interim suspension

7. Where the Registrar proposes to suspend or revoke a registration, the Registrar may, where the Registrar considers it to be necessary in the public interest, by order temporarily suspend the registration and the order shall take effect immediately and where a hearing is required, the order expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

Order effective, stay

R.S.O. 1970, c. 113

8. Notwithstanding that a registrant appeals from an order of the Tribunal under section 8*e* of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Continuance pending renewal

9. Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Registration not transferable

10. A registration is not transferable.

"Equity share" defined

11.—(1) In this section, "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

Notice of transfer of shares

(2) Every registrant that is a corporation shall notify the Registrar in writing within thirty days after the issue or the entry of a transfer of any shares of its capital stock where such issue or transfer results in,

(*a*) any shareholder and shareholders associated with him acquiring or accumulating at least 10 per cent of the total number of all issued and outstanding equity shares of such stock; or

(*b*) any shareholder and shareholders associated with him who already owns 10 per cent or more of the total number of all issued and outstanding equity shares of such stock increasing such holding.

Idem

(3) In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more that one vote shall be calculated as the number of shares equalling the total number of votes it carries.

Idem

(4) Where a registrant that is a corporation is aware that a transfer which comes within the provisions of subsection 2 has taken place, it shall notify the Registrar in writing within thirty days after such knowledge came to the attention of its officers or directors, and not within thirty days of the entry of the transfer.

Associated shareholder

(5) For the purposes of subsection 2, a shareholder shall be deemed to be associated with another shareholder if,

(*a*) one shareholder is a company of which the other shareholder is an officer or director;

(*b*) one shareholder is a partnership of which the other shareholder is a partner;

(*c*) one shareholder is a company that is controlled directly or indirectly by the other shareholder;

(*d*) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

(*e*) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(*f*) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Application of s. 10

(6) Where, in the opinion of the Registrar, an issue or transfer of equity shares of capital stock of a registered corporation results in a shareholder and shareholders associated with him having a material or substantial interest in the corporation, such issue or transfer shall be deemed to be a change of ownership for the purposes of section 10 and the registration ceases to exist except with the consent of the Registrar and the provisions of this Act applying to the refusal to renew a registration apply, *mutatis mutandis*, to the refusal to give a consent under this subsection.

Notice of material changes

12.—(1) Every travel agent and travel wholesaler shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in its address for service;

(*b*) any change in the officers in the case of a corporation or of the members in the case of a partnership; and

(*c*) any commencement or termination of employment of a travel salesman.

Idem

(2) Every travel salesman shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service;

(*b*) any commencement or termination of his employment.

Liability for deposits

13. Where any person is entitled to the repayment of any money paid for or on account of a travel service,

any travel agent and any travel wholesaler who received such money or any part thereof is liable jointly and severally with any other person liable therefor, for the repayment of such money to the extent of the amount received by him.

Travel salesman to work for one employer

14.—(1) No travel salesman shall be in the employ of, or act on behalf of a travel agent other than the one for whom he is registered as a salesman on the records of the Registrar and no travel salesman is entitled to or shall accept any commission or other remuneration from any person except the travel agent for whom he is registered.

Employment of unregistered person or travel salesman of other travel agent

(2) No travel agent shall,

(*a*) employ or engage the travel salesman of another travel agent or permit such salesman to act on his behalf;

(*b*) employ or engage an unregistered person to act as a travel salesman or permit such person to act on his behalf; or

(*c*) pay any commission or other remuneration to any person referred to in clause *a* or *b*,

but this subsection does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a travel salesman or its equivalent in another jurisdiction in respect of the arranging for travel services in that jurisdiction.

False advertising

15. Where the Registrar believes on reasonable and probable grounds that a travel agent or travel wholesaler is making false, misleading or deceptive statements in any advertisement, or that the advertisement is in contravention of the regulations, the Registrar may order the immediate cessation of the use of such advertising and sections 6 to 8 apply *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse a registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

Financial statements

16.—(1) Every travel agent and travel wholesaler shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matter specified by the Registrar and signed by the travel agent and travel wholesaler and certified by a person licensed under *The Public Accountancy Act*. R.S.O. 1970, c. 373

Statement confidential

(2) The information contained in a financial statement filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

Inspection

17.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of a travel agent or travel wholesaler to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a travel agent or travel wholesaler without being registered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on inspection

(3) Upon an inspection under this section, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investigation of complaints

18.—(1) Where the Registrar receives a written complaint in respect of a travel agent or travel wholesaler and so directs in writing, the travel agent or travel wholesaler

shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The direction under subsection 1 shall indicate the nature of the complaint involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the travel agent or travel wholesaler to make an inspection in relation to the complaint.

Investigation on order of Minister

19. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

1971, c. 49

Investigation by Director

20.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

(*a*) contravened any of the provisions of this Act or the regulations; or

(*b*) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

R.S.C. 1970, c. C-34

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(*a*) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and

(*b*) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Entry and search

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Certified copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the

investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of expert

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters confidential

21.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 17, 18, 19 or 20 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

(*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(*b*) to his counsel; or

(*c*) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

22.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Restraining order

23.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may

have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Offences

24.—(1) Every person who,

(*a*) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

Limitation

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence

25.—(1) A statement as to,

(*a*) the registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of Minister's signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

Regulations

26. The Lieutenant Governor in Council may make regulations,

(*a*) exempting any class of persons from this Act or the regulations or any provision thereof;

(*b*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;

(*c*) providing for the expiration and renewal of registrations;

(*d*) requiring the payment of fees on application for registration or renewal of registration, or any class thereof, and prescribing the amounts thereof;

(*e*) requiring travel agents and travel wholesalers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(*f*) requiring and governing the maintenance of trust accounts by travel agents and travel wholesalers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;

(*g*) governing the form and content of advertising by travel agents and travel wholesalers;

(*h*) regulating the management and operation of branch offices of travel agents;

(*i*) governing contracts for the purchase or acquisition of travel services by travel wholesalers;

(*j*) requiring and governing the establishment and maintenance of compensation funds in trust by travel agents and travel wholesalers and the form and terms of the trust;

(*k*) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by travel agents and travel wholesalers;

(*l*) prescribing further procedures repsecting the conduct of matters coming before the Tribunal;

(*m*) prescribing forms for the purposes of this Act and providing for their use;

(*n*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

Moneys

27. The moneys required for the administration of this Act shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Commencement

28.—(1) This Act, except section 3 and sections 13 to 26, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 and sections 13 to 26 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

29. This Act may be cited as *The Travel Industry Act, 1974*.

BILL 165

An Act to regulate the
Business of selling and
dealing in Travel Services

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(*Government Bill*)

CAZON
XB
-B56

Government
Publications

BILL 165

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
Mail

An Act to regulate the Business of selling and dealing in Travel Services

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 165 **1974**

An Act to regulate the Business of selling and dealing in Travel Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Director" means the Director under *The Ministry of Consumer and Commercial Relations Act*; R.S.O. 1970, c. 113

(*b*) "Minister" means the Minister of Consumer and Commercial Relations;

(*c*) "Registrar" means the Registrar appointed under section 2;

(*d*) "regulations" means the regulations made under this Act;

(*e*) "travel agent" means a person who carries on the business of selling to the public travel services provided by another person;

(*f*) "travel salesman" means a person who deals with the public in the performance of the functions of the travel agent as set out in clause *e*;

(*g*) "travel service" means transportation, sleeping accommodation or other service for the use of a traveller, tourist or sightseer;

(*h*) "travel wholesaler" means a person who purchases or acquires from another person rights to a travel service for the purposes of resale or who carries on the business of dealing with travel agents or other travel wholesalers for the sale of travel services provided by another;

R.S.O. 1970, c. 113

(*i*) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act.*

Registrar

2.—(1) The Lieutenant Governor in Council shall appoint a Registrar for the purposes of this Act.

Duties

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Acting as travel agents and travel wholesalers

3.—(1) No person shall act or hold himself out as being available to act as a travel agent or travel wholesaler unless he is registered by the Registrar under this Act.

Offices of travel agents

(2) A travel agent shall not conduct business from a place at which the public is invited to deal unless it is named in the registration and where there are more than one such places, one shall be designated in the registration as the main office and the remainder as branch offices.

Acting as travel salesmen

(3) No person shall act as a travel salesman unless he is registered by the Registrar under this Act.

Registration of agencies

4.—(1) An applicant is entitled to registration or renewal of registration as a travel agent or travel wholesaler by the Registrar except where,

(*a*) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(*b*) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(*c*) the applicant is a corporation and,

(i) is incorporated without share capital; or

(ii) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(iii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(*d*) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A travel agent or applicant for registration as a travel agent is entitled to have any place of business he specifies named in the registration except such branch offices as are in contravention of the regulations. Registration of offices of travel agents

(3) An applicant is entitled to registration or renewal of registration as a travel salesman by the Registrar except where, Registration of travel salesmen

(a) he is a corporation; or

(b) he is not in the employ of a travel agent; or

(c) the past conduct of the applicant affords reasonable grounds for belief that he will not carry out his duties in accordance with law and with integrity and honesty.

(4) Without restricting the generality of clause *b* of subsection 1, subclause iii of clause *c* of subsection 1 and subsection 3, a conviction within the previous five years for theft in any of its forms or for an offence under paragraph *f*, *g*, *h*, *i* or *j* of section 46 of the *Immigration Act* (Canada) is sufficient grounds for the purpose of those provisions. Integrity R.S.C. 1970, c. I-2

(5) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. Conditions of registration

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4. Refusal to register

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. Revocation and refusal to renew

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration or to refuse to name a branch office in a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing. Notice requiring hearing

Powers of Registrar where no hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Interim suspension

7. Where the Registrar proposes to suspend or revoke a registration, the Registrar may, where the Registrar considers it to be necessary in the public interest, by order temporarily suspend the registration and the order shall take effect immediately and where a hearing is required, the order expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

Order effective, stay
R.S.O. 1970, c. 113

8. Notwithstanding that a registrant appeals from an order of the Tribunal under section 9*b* of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Continuance pending renewal

9. Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Registration not transferable

10. A registration is not transferable.

"Equity share" defined

11.—(1) In this section, "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

Notice of transfer of shares

(2) Every registrant that is a corporation shall notify the Registrar in writing within thirty days after the issue or the entry of a transfer of any shares of its capital stock where such issue or transfer results in,

(*a*) any shareholder and shareholders associated with him acquiring or accumulating at least 10 per cent of the total number of all issued and outstanding equity shares of such stock; or

(*b*) any shareholder and shareholders associated with him who already owns 10 per cent or more of the total number of all issued and outstanding equity shares of such stock increasing such holding.

Idem

(3) In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more that one vote shall be calculated as the number of shares equalling the total number of votes it carries.

Idem

(4) Where a registrant that is a corporation is aware that a transfer which comes within the provisions of subsection 2 has taken place, it shall notify the Registrar in writing within thirty days after such knowledge came to the attention of its officers or directors, and not within thirty days of the entry of the transfer.

Associated shareholder

(5) For the purposes of subsection 2, a shareholder shall be deemed to be associated with another shareholder if,

(*a*) one shareholder is a company of which the other shareholder is an officer or director;

(*b*) one shareholder is a partnership of which the other shareholder is a partner;

(*c*) one shareholder is a company that is controlled directly or indirectly by the other shareholder;

(*d*) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

(*e*) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(*f*) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Application of s. 10

(6) Where, in the opinion of the Registrar, an issue or transfer of equity shares of capital stock of a registered corporation results in a shareholder and shareholders associated with him having a material or substantial interest in the corporation, such issue or transfer shall be deemed to be a change of ownership for the purposes of section 10 and the registration ceases to exist except with the consent of the Registrar and the provisions of this Act applying to the refusal to renew a registration apply, *mutatis mutandis*, to the refusal to give a consent under this subsection.

Notice of material changes

12.—(1) Every travel agent and travel wholesaler shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in its address for service;

(*b*) any change in the officers in the case of a corporation or of the members in the case of a partnership; and

(*c*) any commencement or termination of employment of a travel salesman.

Idem

(2) Every travel salesman shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service;

(*b*) any commencement or termination of his employment.

Liability for deposits

13. Where any person is entitled to the repayment of any money paid for or on account of a travel service,

any travel agent and any travel wholesaler who received such money or any part thereof is liable jointly and severally with any other person liable therefor, for the repayment of such money to the extent of the amount received by him.

Travel salesman to work for one employer

14.—(1) No travel salesman shall be in the employ of, or act on behalf of a travel agent other than the one for whom he is registered as a salesman on the records of the Registrar and no travel salesman is entitled to or shall accept any commission or other remuneration from any person except the travel agent for whom he is registered.

Employment of unregistered person or travel salesman of other travel agent

(2) No travel agent shall,

(*a*) employ or engage the travel salesman of another travel agent or permit such salesman to act on his behalf;

(*b*) employ or engage an unregistered person to act as a travel salesman or permit such person to act on his behalf; or

(*c*) pay any commission or other remuneration to any person referred to in clause *a* or *b*,

but this subsection does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a travel salesman or its equivalent in another jurisdiction in respect of the arranging for travel services in that jurisdiction.

False advertising

15. Where the Registrar believes on reasonable and probable grounds that a travel agent or travel wholesaler is making false, misleading or deceptive statements in any advertisement, or that the advertisement is in contravention of the regulations, the Registrar may order the immediate cessation of the use of such advertising and sections 6 to 8 apply *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse a registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

Financial statements

16.—(1) Every travel agent and travel wholesaler shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matter specified by the Registrar and signed by the travel agent and travel wholesaler and certified by a person licensed under *The Public Accountancy Act*.

R.S.O. 1970, c. 373

Statement confidential

(2) The information contained in a financial statement filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

Inspection

17.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of a travel agent or travel wholesaler to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a travel agent or travel wholesaler without being registered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on inspection

(3) Upon an inspection under this section, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investigation of complaints

18.—(1) Where the Registrar receives a written complaint in respect of a travel agent or travel wholesaler and so directs in writing, the travel agent or travel wholesaler

shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The direction under subsection 1 shall indicate the nature of the complaint involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the travel agent or travel wholesaler to make an inspection in relation to the complaint.

Investigation on order of Minister

19. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

1971, c. 49

Investigation by Director

20.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

(*a*) contravened any of the provisions of this Act or the regulations; or

(*b*) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

R.S.C. 1970, c. C-34

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(*a*) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and

(*b*) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Entry and search

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Certified copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the

investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of expert

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters confidential

21.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 17, 18, 19 or 20 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

(*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(*b*) to his counsel; or

(*c*) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

22.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Restraining order

23.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may

have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Offences

24.—(1) Every person who,

(*a*) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

Limitation

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence

25.—(1) A statement as to,

(*a*) the registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of Minister's signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

Regulations

26. The Lieutenant Governor in Council may make regulations,

(*a*) exempting any class of persons from this Act or the regulations or any provision thereof;

(*b*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;

(*c*) providing for the expiration and renewal of registrations;

(*d*) requiring the payment of fees on application for registration or renewal of registration, or any class thereof, and prescribing the amounts thereof;

(*e*) requiring travel agents and travel wholesalers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(*f*) requiring and governing the maintenance of trust accounts by travel agents and travel wholesalers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;

(*g*) governing the form and content of advertising by travel agents and travel wholesalers;

(*h*) regulating the management and operation of branch offices of travel agents;

(*i*) governing contracts for the purchase or acquisition of travel services by travel wholesalers;

(*j*) requiring and governing the establishment and maintenance of compensation funds in trust by travel agents and travel wholesalers and the form and terms of the trust;

(*k*) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by travel agents and travel wholesalers;

(*l*) prescribing further procedures repsecting the conduct of matters coming before the Tribunal;

(*m*) prescribing forms for the purposes of this Act and providing for their use;

(*n*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

Moneys

27. The moneys required for the administration of this Act shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Commencement

28.—(1) This Act, except section 3 and sections 13 to 26, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 and sections 13 to 26 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

29. This Act may be cited as *The Travel Industry Act, 1974*.

An Act to regulate the
Business of selling and
dealing in Travel Services

1st Reading

December 5th, 1974

2nd Reading

December 10th, 1974

3rd Reading

December 10th, 1974

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

Ontario. Legislative Assembly
Government Publications

BILL 166

Government Bill

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-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Fire Departments Act

The Hon. G. A. Kerr
Solicitor General



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Note

Section 8 of the Act provides that *The Arbitrations Act* does not apply to an arbitration under section 6 or 7 of the Act.

The new section 8 extends this provision to provide that *The Arbitrations Act* and *The Statutory Powers Procedure Act, 1971* do not apply to an arbitration under section 6 or 7 of the Act.

BILL 166 **1974**

An Act to amend The Fire Departments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Fire Departments Act*, being chapter 169 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 8, re-enacted

8. *The Arbitrations Act* and *The Statutory Powers Procedure Act, 1971* do not apply to an arbitration under section 6 or 7 of this Act. R.S.O. 1970, c. 25, 1971, c. 47 not to apply

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Fire Departments Amendment Act, 1974*. Short title

BILL 166

An Act to amend
The Fire Departments Act

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

THE HON. G. A. KERR
Solicitor General

(*Government Bill*)

1974

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Government
Publications

BILL 166

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
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An Act to amend The Fire Departments Act

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1. Section 8 of *The Fire Departments Act*, being chapter 169 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 8, re-enacted

8. *The Arbitrations Act* and *The Statutory Powers Procedure Act, 1971* do not apply to an arbitration under section 6 or 7 of this Act. R.S.O. 1970, c. 25, 1971, c. 47 not to apply

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Fire Departments Amendment Act, 1974*. Short title

BILL 166

An Act to amend
The Fire Departments Act

1st Reading

December 5th, 1974

2nd Reading

December 9th, 1974

3rd Reading

December 9th, 1974

THE HON. G. A. KERR
Solicitor General

Publications

Ontario. Legislative Assembly **BILL 167** Government Bill

CA2ON
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-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Police Act

The Hon. G. A. Kerr
Solicitor General



TORONTO
Printed by J. C. Thatcher, Queen's Printer for Ontario

Explanatory Note

The Bill provides for assistance to immediate dependants of members of the Ontario Provincial Police Force who die in the course of duty. This provision is parallel to section 25 applying in respect of municipal police forces.

BILL 167 **1974**

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 47*a*, enacted

47*a*. The Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, grant pecuniary aid or other assistance for the benefit of the surviving spouses and children of members of the Ontario Provincial Police Force who are killed or die from injuries received or from illness contracted in the discharge of their duties. Aid to dependants

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Police Amendment Act, 1974*. Short title

An Act to amend
The Police Act

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

The Hon. G. A. Kerr
Solicitor General

(*Government Bill*)

1974

CA2ON
XB
-B56

Government
Publications

BILL 167

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act to amend The Police Act

THE HON. G. A. KERR
Solicitor General



TORONTO
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BILL 167 **1974**

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 47*a*, enacted

47*a*. The Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, grant pecuniary aid or other assistance for the benefit of the surviving spouses and children of members of the Ontario Provincial Police Force who are killed or die from injuries received or from illness contracted in the discharge of their duties. Aid to dependants

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Police Amendment Act, 1974*. Short title

BILL 167

An Act to amend
The Police Act

1st Reading

December 5th, 1974

2nd Reading

December 9th, 1974

3rd Reading

December 9th, 1974

THE HON. G. A. KERR
Solicitor General

Government Publications

Ontario. Legislative Assembly **BILL 168** Government Bill

CA2ON
XB
-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Land Speculation Tax Act, 1974

The Hon. A. K. Meen
Minister of Revenue

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Explanatory Note

This Bill reduces the rate of land speculation tax provided for in subsection 1 of section 2 of the Act from 50 per cent to 20 per cent, and makes the reduction effective from April 9th, 1974, the date on which the Act took effect. Provision is also made to refund any tax paid in excess of the rate of 20 per cent, and to pay interest at 7 per cent on such refunds.

In addition section 6 of the Act, which deals with artificial reductions of tax, is to be altered to make that section applicable to artificial or undue reductions of the proceeds of disposition. This will prevent the avoidance of the tax imposed by subsection 2 of section 2 of the Act.

BILL 168 **1974**

An Act to amend The Land Speculation Tax Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Land Speculation Tax Act, 1974*, being chapter 17, is amended by striking out "50" in the sixth line and inserting in lieu thereof "20". s. 2 (1), amended

2. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6. Where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatsoever is that a person has transferred property under circumstances such that he may reasonably be considered to have, Avoidance

(*a*) effected a disposition of or with respect to designated land and to have artificially or unduly reduced the amount of the taxable value of the designated land of or with respect to which such disposition has occurred, the taxable value shall be computed as if such reduction had not occurred; or

(*b*) effected a disposition described in subsection 2 of section 2 and to have artificially or unduly reduced the proceeds of disposition arising on such disposition, such proceeds of disposition shall be computed as if such reduction had not occurred.

3.—(1) Where, between the 9th day of April, 1974 and the day on which this Act receives Royal Assent, there has been paid as tax imposed under subsection 1 of section 2 of *The Land Speculation Tax Act, 1974* any amount in excess of the amount that would be payable had the rate of tax mentioned in the said subsection been 20 per cent, the excess amount so paid shall be refunded to the person Refunds 1974, c. 17

who paid it together with interest thereon at the rate of 7 per cent per annum computed from the day on which payment of such excess amount was made to the day when the refund thereof is made.

Moneys required

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Commencement

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 9th day of April, 1974.

Short title

5. This Act may be cited as *The Land Speculation Tax Amendment Act, 1974 (No. 2)*.

BILL 168

An Act to amend
The Land Speculation Tax Act, 1974

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(*Government Bill*)

1974

CAZON
XB
-B56

Government
Publications

BILL 168

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act to amend The Land Speculation Tax Act, 1974

THE HON. A. K. MEEN
Minister of Revenue



TORONTO
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BILL 168 **1974**

An Act to amend The Land Speculation Tax Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Land Speculation Tax Act, 1974*, being chapter 17, is amended by striking out "50" in the sixth line and inserting in lieu thereof "20". s. 2 (1), amended

2. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6. Where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatsoever is that a person has transferred property under circumstances such that he may reasonably be considered to have, Avoidance

(*a*) effected a disposition of or with respect to designated land and to have artificially or unduly reduced the amount of the taxable value of the designated land of or with respect to which such disposition has occurred, the taxable value shall be computed as if such reduction had not occurred; or

(*b*) effected a disposition described in subsection 2 of section 2 and to have artificially or unduly reduced the proceeds of disposition arising on such disposition, such proceeds of disposition shall be computed as if such reduction had not occurred.

3.—(1) Where, between the 9th day of April, 1974 and the day on which this Act receives Royal Assent, there has been paid as tax imposed under subsection 1 of section 2 of *The Land Speculation Tax Act, 1974* any amount in excess of the amount that would be payable had the rate of tax mentioned in the said subsection been 20 per cent, the excess amount so paid shall be refunded to the person Refunds 1974, c. 17

who paid it together with interest thereon at the rate of 7 per cent per annum computed from the day on which payment of such excess amount was made to the day when the refund thereof is made.

Moneys required

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Commencement

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 9th day of April, 1974.

Short title

5. This Act may be cited as *The Land Speculation Tax Amendment Act, 1974 (No. 2)*.

BILL 168

An Act to amend
The Land Speculation Tax Act, 1974

1st Reading

December 5th, 1974

2nd Reading

December 9th, 1974

3rd Reading

December 9th, 1974

THE HON. A. K. MEEN
Minister of Revenue

Publications

Ontario. Legislative Assembly BILL 169 Government Bill

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XB
-B56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Corporations Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue



TORONTO
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Explanatory Note

This Bill provides that tax imposed under *The Land Speculation Tax Act, 1974* will not be deductible in computing income of a corporation.

BILL 169 **1974**

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Tax Act, 1972*, being chapter 143, is amended by adding to Division B of Part II the following section: s. 13*a*, enacted

13*a*. Notwithstanding any other provision of this Act, Land speculation tax not deductible

(*a*) in determining for the purposes of this Act a corporation's capital gain or capital loss for a fiscal year from the disposition of any property; or

(*b*) in determining for the purposes of this Act the income or loss of a corporation for a fiscal year or the amount of any deduction allowed in computing the income of a corporation for a fiscal year,

the amount of any tax, penalty or interest imposed or payable under *The Land Speculation Tax Act, 1974* shall not apply to reduce the gain or increase the loss referred to in clause *a* or to reduce the income or increase the loss referred to in clause *b*. 1974, c. 17

2. This Act shall be deemed to have come into force on the 9th day of April, 1974. Commencement

3. This Act may be cited as *The Corporations Tax Amendment Act, 1974* (*No. 2*). Short title

An Act to amend
The Corporations Tax Act, 1972

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

1974

XB
-B56

Government
Publications

BILL 169

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act to amend The Corporations Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue



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BILL 169 **1974**

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Tax Act, 1972*, being chapter 143, is amended by adding to Division B of Part II the following section: s. 13*a*, enacted

13*a*. Notwithstanding any other provision of this Act, Land speculation tax not deductible

(*a*) in determining for the purposes of this Act a corporation's capital gain or capital loss for a fiscal year from the disposition of any property; or

(*b*) in determining for the purposes of this Act the income or loss of a corporation for a fiscal year or the amount of any deduction allowed in computing the income of a corporation for a fiscal year,

the amount of any tax, penalty or interest imposed or payable under *The Land Speculation Tax Act, 1974* shall not apply to reduce the gain or increase the loss referred to in clause *a* or to reduce the income or increase the loss referred to in clause *b*. 1974, c. 17

2. This Act shall be deemed to have come into force on the 9th day of April, 1974. Commencement

3. This Act may be cited as *The Corporations Tax Amendment Act, 1974* (*No. 2*). Short title

BILL 169

An Act to amend
The Corporations Tax Act, 1972

1st Reading

December 5th, 1974

2nd Reading

December 9th, 1974

3rd Reading

December 9th, 1974

THE HON. A. K. MEEN
Minister of Revenue

Ontario. Legislative Assembly

BILL 170

Government Bill

CA2ON
XB
-B56

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

An Act to amend The Legislative Assembly Act

The Hon. J. W. Snow
Minister of Government Services



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Explanatory Notes

The amendments to *The Legislative Assembly Act* contained in this Bill implement certain recommendations in the Second Report of the Commission on the Legislature.

Section 1. Sections 29 to 33 are re-enacted to provide for the election of a Deputy Speaker and to provide that the persons holding the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature continue in office until a new Speaker and Deputy Speaker are elected. The amendments are complementary to the other provisions of the Bill in relation to the Office of the Assembly.

BILL 170 **1974**

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 29, 30, 31, 32 and 33 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: ss. 29-33, re-enacted

Election of Speaker and Deputy

29.—(1) The Assembly at its first meeting after a general election shall proceed to elect one of its members to be Speaker and one of its members to be Deputy Speaker.

Vacancy in office of Speaker or Deputy

(2) In case of a vacancy in the office of Speaker or Deputy Speaker, the Assembly shall proceed to elect another of its members to fill the vacancy.

Duties

30.—(1) The Speaker shall preside at all meetings of the Assembly and shall preside over and have charge of the Office of the Assembly.

Absence of Speaker

(2) In the absence of the Speaker, the Deputy Speaker has all the powers, privileges and duties of the Speaker.

Illness, etc., of the Speaker or Deputy

31. When the Speaker or the Deputy Speaker finds it necessary to leave the chair during any part of the sittings on any day, he may call upon any member to take the chair and to act as speaker during the remainder of the day unless the Speaker or the Deputy Speaker resumes the chair before the close of the sittings for that day.

Election of speaker for the day

32. When the Speaker and the Deputy Speaker are not present at the meeting of the Assembly on any day, the Assembly may elect a member to take the chair and act as speaker for that day.

Election of speaker *pro tempore*

33. If the Speaker and the Deputy Speaker are absent from the chair for a period of forty-eight consecutive hours, the Assembly may elect another of its members to

act as speaker, and the member so elected, during the continuance of the absence of the Speaker and the Deputy Speaker, has all the powers, privileges and duties of the Speaker.

Speaker and Deputy to continue in office following dissolution

33*a*. The persons who hold the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature shall be deemed to be the Speaker and Deputy Speaker, respectively, until a Speaker and Deputy Speaker are elected by the Assembly.

ss. 68-70, enacted

2. The said Act is amended by adding thereto the following sections:

House Leader's indemnities

68. In addition to his indemnity as a member, an indemnity shall be paid,

(*a*) to the Opposition House Leader at the rate of $5,000 per annum; and

(*b*) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of $2,500 per annum.

Appropriations for caucuses

69. For each fiscal year commencing with the fiscal year 1974-75, there shall be provided,

(*a*) for the use of the caucus of the Official Opposition, for research purposes, such sum of money as is appropriated therefor by the Legislature;

(*b*) for the use of a caucus of a party, other than the caucus of the Government and the caucus of the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for research purposes, such sum of money as is appropriated therefor by the Legislature;

(*c*) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a party that has a recognized membership of twelve or more persons in the Assembly, for such use as the caucus may determine, such sum of money as is appropriated therefor by the Legislature for each caucus based on the number of members in the caucus;

SECTION 2. Provision is made in section 68 for the payment of indemnities to the House Leader of the Opposition and of the third party and in section 69 for appropriations for caucuses.

Section 70 entitles each member to a secretary or personal assistant and to necessary office equipment and supplies.

SECTION 3. Sections 71 to 98 provide for the Office of the Assembly and its staffing and operation, and provide for the establishment of a Board of Internal Economy to supervise the management of the financial affairs of the Assembly.

(*d*) for the use of the caucus of the Official Opposition for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of the Official Opposition, an amount equal to 20 per cent of the amount the caucus is entitled to under clause *c*; and

(*e*) for the use of the caucus of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of such party, an amount equal to 20 per cent of the amount the caucus is entitled to under clause *c*.

Secretary or assistant for each member

70.—(1) Every member of the Assembly is entitled to a private secretary or personal assistant and moneys shall be provided towards the cost of the salaries of such persons out of moneys appropriated therefor by the Legislature.

Supplies for members

(2) Every member of the Assembly is entitled to office equipment, supplies and services in accordance with standards established by the Speaker.

3. The said Act is further amended by adding thereto the following sections: ss. 71-98, enacted

OFFICE OF THE ASSEMBLY

Office of Assembly

71. The Office of the Assembly shall consist of the Speaker, the Deputy Speaker, the Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms, the Director of Administration and such other employees as may be required from time to time for the proper conduct of the business of the Office of the Assembly.

Appointment of officers and staff

72. The Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration shall be appointed by the Lieutenant Governor in Council upon such terms and conditions as the Speaker may recommend and the other employees of the Office of the Assembly shall be appointed by the Speaker.

Duties of officers

73. The Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration have such duties as may be provided for, from time to time, in the Standing Orders of the Legislative Assembly or as may be prescribed by the Speaker.

Estimates, preparation

74.—(1) The Director of Administration shall prepare estimates of the sums of money that will be required to be provided by the Legislature for the purposes of this Act.

Submission to Speaker

(2) Such estimates shall be submitted to the Speaker for his recommendation and the Speaker may make such alterations as he considers proper.

Submission to Board

(3) The Speaker shall present the estimates of the Office of the Assembly to the Board of Internal Economy who shall review such estimates and make such alterations as it considers proper, and shall thereafter concur in such estimates.

Laid before Assembly

(4) The Speaker shall cause the estimates to be laid before the Assembly.

Legislative Assembly Fund

75.—(1) The Speaker shall establish, maintain and be accountable for a fund to be known as the Legislative Assembly Fund.

Bank account

(2) The Speaker shall maintain an account with the Province of Ontario Savings Office or with any chartered bank designated by the Board of Internal Economy for the deposit of moneys paid into the Legislative Assembly Fund.

Fiscal year

(3) The fiscal year for the Legislative Assembly Fund shall be the same as the fiscal year for the Consolidated Revenue Fund.

Record

(4) The Speaker shall keep a record of all moneys received for or disbursed from the Legislative Assembly Fund.

Annual report

(5) The Speaker shall make an annual report to the Board of Internal Economy respecting the receipts and disbursements from the Legislative Assembly Fund.

Moneys paid into Fund

76. The moneys required from time to time for the purposes of this Act shall be paid out of moneys appropriated by the Assembly for the purposes of this Act and shall be paid into the Legislative Assembly Fund by the Treasurer of Ontario upon the requisition, from time to time, of the Speaker.

Where moneys required before appropriated

77.—(1) When, because the Legislature is adjourned, prorogued or dissolved or because the urgency of other public business prevents the Legislature from considering estimates or supplementary estimates, moneys are urgently required for the purposes of this Act before they have been appropriated, the Treasurer of Ontario may, subject

to the approval of the Lieutenant Governor in Council, advance the required moneys for the use of the Speaker upon the written request of the Board of Internal Economy, and such moneys shall be paid into the Legislative Assembly Fund.

Advances repayable out of moneys to be appropriated

(2) All moneys advanced by the Treasurer of Ontario under subsection 1 shall be deemed to be an interest free loan repayable from moneys to be appropriated by the Legislature for the purposes of this Act.

Form of payments out of Fund

78.—(1) Every payment out of the Legislative Assembly Fund shall be made by cheque, which shall be signed by the Speaker or the Deputy Speaker and by the Director of Administration or such other person who is for the time being authorized by the Speaker to sign cheques.

Signature

(2) The Speaker may authorize the use of facsimile signatures on cheques to be affixed thereto by printing, lithographing, engraving or by other mechanical means.

Destruction of cancelled cheques

(3) The Speaker, with the approval of the Provincial Auditor, may authorize the destruction, from time to time, of paid and cancelled cheques.

Payment of debts incurred in fiscal year

79.—(1) During the period of thirty days next following the end of a fiscal year there may be paid out of the Legislative Assembly Fund an amount, not exceeding the unexpended balance in the Fund at the end of such fiscal year, for the purpose of discharging any debt or obligation that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts or obligations that remain undischarged at the end of such period of thirty days shall be paid out of the Legislative Assembly Fund for the ensuing fiscal year.

Unexpended moneys to be paid to Treasurer

(2) All moneys that remain unexpended in the Legislative Assembly Fund after the thirty day period next following the end of a fiscal year shall be paid to the Treasurer of Ontario and become part of the Consolidated Revenue Fund.

Accountable advances

80.—(1) Any member of the Assembly or the Chairman or Secretary of a Select Committee may apply to the Speaker and the Speaker may authorize an accountable advance out of the Legislative Assembly Fund for the purpose of meeting disbursements for travel or other contingencies, or making payments on account of expenses incurred or to be incurred.

Idem

(2) If, at the termination of the fiscal year in which an advance was made, no accounting or repayment of the advance has been received, such advance shall be accounted for or repaid within fifteen days thereafter.

Audit

81. The accounts and financial transactions of the Office of the Assembly shall be audited annually by the Provincial Auditor.

Board of Internal Economy, composition

82.—(1) There shall be a Board of Internal Economy composed of,

(*a*) the Speaker, who shall be the chairman; and

(*b*) three other commissioners appointed by the Lieutenant Governor in Council from among the members of the Executive Council.

Names of appointees to be communicated to Assembly

(2) The name and office of each member appointed as a commissioner shall be communicated by message from the Lieutenant Governor in Council to the Assembly.

Quorum

(3) A quorum of the Board consists of the Speaker and two other commissioners.

Procedures

83. The Board of Internal Economy may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

Powers and duties of Board

84. The Board of Internal Economy has the power and duty,

(*a*) to review estimates and forecasts, analyses of revenues, expenditures, commitments and other data pertaining to the Office of the Assembly and to assess the results thereof;

(*b*) to approve the organization and staff establishment for the Office of the Assembly;

(*c*) to approve and review administrative policies and procedures in relation to the operation of the Office of the Assembly;

(*d*) to advise upon all matters related to the management, administration, accounting and collection and disbursement of moneys associated with the Legislative Assembly Fund;

(*e*) to advise upon the retention and disposal of records except cancelled cheques; and

(*f*) to advise upon and give directions in relation to any matter the Board considers necessary for the efficient and effective operation of the Office of the Assembly,

and, if considered desirable, it may report on any of such matters to the Assembly.

Transfer of moneys within vote

85. The Board of Internal Economy may authorize the transfer of moneys from one item of the estimates of the Office of the Assembly to another item within the same vote and the Provincial Auditor shall make special mention in his report of any transfer under this section.

Regulation of terms and conditions of employment

86. Subject to the approval of the Board of Internal Economy, the Speaker may,

(*a*) establish job classifications and salary ranges;

(*b*) provide a system of cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

(*c*) provide for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection;

(*d*) provide for the granting of leave of absence; and

(*e*) prescribe any other terms and conditions of employment,

for employees of the Office of the Assembly.

Application of employee benefits of public servants

87.—(1) The employee benefits applicable from time to time to the public servants of Ontario with respect to the matters referred to in clauses *b*, *c* and *d* of section 86 apply or continue to apply, as the case may be, to the permanent and full-time employees of the Office of the Assembly until a plan or system in relation to the same subject-matter is provided by the Speaker under this Act, and where any such benefits are provided for in regulations made under *The Public Service Act*, the Speaker, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations.

R.S.O. 1970, c. 386

Vacation and sick leave credits to be transferred

(2) When the Speaker establishes a vacation or sick leave credit plan for the employees of the Office of the Assembly, there shall be placed to the credit of each employee the vacation or sick leave credits, as the case may be, standing to his credit in the plan under the regulations made under *The Public Service Act*.

R.S.O. 1970, c. 386

Pension

R.S.O. 1970, c. 387

88. *The Public Service Superannuation Act* applies to the permanent employees and full-time probationary employees of the Office of the Assembly as though the Office of the Assembly was a board designated by the Lieutenant Governor in Council under section 27 of that Act, and all credits in the Public Service Superannuation Fund of persons appointed as permanent employees of the Office of the Assembly accumulated under that Act before they became employees of the Office of the Assembly, are preserved and continued in accordance with that Act.

Inquiry

89.—(1) If any complaint or representation is at any time made to the Speaker for the time being of the misconduct or unfitness of any employee of the Office of the Assembly, the Speaker may cause an inquiry to be made into such complaint or representation.

Reprimand, suspension or dismissal

(2) If, after a hearing, it appears to the Speaker that such person has been guilty of misconduct or is unfit to hold his position, the Speaker may, if such employee has been appointed by the Lieutenant Governor in Council, reprimand or suspend him and report such suspension to the Lieutenant Governor in Council and if he has not been appointed by the Lieutenant Governor in Council, reprimand, suspend or dismiss him.

Oath of office

90.—(1) Every employee of the Office of the Assembly shall, before any salary is paid to him, take and subscribe before the Speaker, the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of office and secrecy in Form 3.

Oath of allegiance

(2) Every employee of the Office of the Assembly shall, before performing any duty as a member of the Office of the Assembly, take and subscribe before the Speaker or before the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of allegiance in Form 4.

Acceptance by public servants of employment in Office of the Assembly

91. On the day this Act comes into force, the members of the public service of Ontario who have agreed to accept employment in the Office of the Assembly shall cease to be employed in the public service and each such person shall become an employee of the Office of the Assembly at a salary of

not less than he was receiving on the day immediately before the day this Act comes into force.

Application of R.S.O. 1970, c. 505

92. The Speaker in his capacity as head of the Office of the Assembly shall be deemed to be an employer within the meaning and for the purposes of *The Workmen's Compensation Act*.

Part of Legislative Building under Speaker

93.—(1) Such parts of the Legislative Building as may be designated by the Lieutenant Governor in Council in addition to the Legislative Chamber shall be under the control of the Speaker.

Security guidelines

(2) The Speaker shall establish guidelines for the security of the Legislative Chamber and the other parts of the Legislative Building that are under his control.

Enforcement

(3) The security of the parts of the Legislative Building designated to be under the control of the Speaker shall be enforced by the same personnel that enforce security in the other parts of the Legislative Building.

Provision of services for Assembly

94. The Speaker may call upon any ministry or agency of the Crown to provide any service or commodity for or on behalf of the Assembly that the Speaker considers necessary and the ministry or agency shall provide such service or commodity upon such terms and conditions as the ministry or agency may require.

Conflict with other Acts 1971 (2nd Sess.), c. 12 R.S.O. 1970, c. 166 1972, c. 3

95. In the event of a conflict between any provision of this Act and any provision of *The Management Board of Cabinet Act, 1971*, *The Financial Administration Act* or *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, the provision of this Act prevails.

Act administered by Speaker

96. The Speaker is responsible for the administration of this Act.

Delegation of duties

97. The Speaker may, in writing, delegate to the Deputy Speaker or to any employee in the Office of the Assembly any of his powers and duties under sections 71 to 98.

Agreements

98.—(1) The Speaker, for and on behalf of the Office of the Assembly, may enter into any agreement that he considers advisable for the purposes of carrying out the provisions of this Act.

Agreements enure to benefit of Assembly

(2) Any agreement entered into by the Speaker, or by any person duly authorized by him, enures to the benefit of the Assembly.

Speaker not personally liable

(3) The Speaker or his delegate is not personally liable for any agreement that he has entered into under this section.

Actions brought in name of Attorney General

(4) The Speaker, for and on behalf of the Office of the Assembly, may sue in the name of the Attorney General.

Forms 3, 4, enacted

4. The said Act is further amended by adding thereto the following Forms:

FORM 3

(*Section 90*)

I, ..., do swear that I will faithfully discharge my duties as an employee of the Office of the Assembly and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being an employee of the Office of the Assembly.

So help me God.

FORM 4

(*Section 90*)

I, ..., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law.

So help me God.

Commencement

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of April, 1974.

Short title

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1974 (No. 2)*.

BILL 170

An Act to amend
The Legislative Assembly Act

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Government Services

(*Government Bill*)

CAZON
XB
-B56

BILL 170 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Legislative Assembly Act

THE HON. J. W. SNOW
Minister of Government Services

(Reprinted as amended by the Committee of the Whole House)

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Explanatory Notes

The amendments to *The Legislative Assembly Act* contained in this Bill implement certain recommendations in the Second Report of the Commission on the Legislature.

Section 1. Sections 29 to 33 are re-enacted to provide for the election of a Deputy Speaker and to provide that the persons holding the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature continue in office until a new Speaker and Deputy Speaker are elected. The amendments are complementary to the other provisions of the Bill in relation to the Office of the Assembly.



BILL 170 **1974**

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 29, 30, 31, 32 and 33 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: ss. 29-33, re-enacted

29.—(1) The Assembly at its first meeting after a general election shall proceed to elect one of its members to be Speaker and one of its members to be Deputy Speaker. Election of Speaker and Deputy

(2) In case of a vacancy in the office of Speaker or Deputy Speaker, the Assembly shall proceed to elect another of its members to fill the vacancy. Vacancy in office of Speaker or Deputy

30.—(1) The Speaker shall preside at all meetings of the Assembly and shall preside over and have charge of the Office of the Assembly. Duties

(2) In the absence of the Speaker, the Deputy Speaker has all the powers, privileges and duties of the Speaker. Absence of Speaker

31. When the Speaker or the Deputy Speaker finds it necessary to leave the chair during any part of the sittings on any day, he may call upon any member to take the chair and to act as speaker during the remainder of the day unless the Speaker or the Deputy Speaker resumes the chair before the close of the sittings for that day. Illness, etc., of the Speaker or Deputy

32. When the Speaker and the Deputy Speaker are not present at the meeting of the Assembly on any day, the Assembly may elect a member to take the chair and act as speaker for that day. Election of speaker for the day

33. If the Speaker and the Deputy Speaker are absent from the chair for a period of forty-eight consecutive hours, the Assembly may elect another of its members to Election of speaker *pro tempore*

act as speaker, and the member so elected, during the continuance of the absence of the Speaker and the Deputy Speaker, has all the powers, privileges and duties of the Speaker.

Speaker and Deputy to continue in office following dissolution

33*a*. The persons who hold the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature shall be deemed to be the Speaker and Deputy Speaker, respectively, until a Speaker and Deputy Speaker are elected by the Assembly.

ss. 68-70, enacted

2. The said Act is amended by adding thereto the following sections:

House Leader's indemnities

68. In addition to his indemnity as a member, an indemnity shall be paid,

(*a*) to the Opposition House Leader at the rate of $5,000 per annum; and

(*b*) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of $2,500 per annum.

Appropriations for caucuses

69. For each fiscal year commencing with the fiscal year 1974-75, there shall be provided,

(*a*) for the use of the caucus of the Official Opposition, for research purposes, such sum of money as is appropriated therefor by the Legislature;

(*b*) for the use of a caucus of a party, other than the caucus of the Government and the caucus of the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for research purposes, such sum of money as is appropriated therefor by the Legislature;

(*c*) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a party that has a recognized membership of twelve or more persons in the Assembly, for such use as the caucus may determine, such sum of money as is appropriated therefor by the Legislature for each caucus based on the number of members in the caucus;

Section 2. Provision is made in section 68 for the payment of indemnities to the House Leader of the Opposition and of the third party and in section 69 for appropriations for caucuses.

Section 70 entitles each member to a secretary or personal assistant and to necessary office equipment and supplies.

SECTION 3. Sections 71 to 98 provide for the Office of the Assembly and its staffing and operation, and provide for the establishment of a Board of Internal Economy to supervise the management of the financial affairs of the Assembly.

(*d*) for the use of the caucus of the Official Opposition for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of the Official Opposition, an amount appropriated therefor by the Legislature; and

(*e*) for the use of the caucus of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of such party, an amount appropriated therefor by the Legislature.

Secretary or assistant for each member

70.—(1) Every member of the Assembly is entitled to a private secretary or personal assistant and moneys shall be provided towards the cost of the salaries of such persons out of moneys appropriated therefor by the Legislature.

Supplies for members

(2) Every member of the Assembly is entitled to office equipment, supplies and services in accordance with standards established by the Speaker.

ss. 71-98, enacted

3. The said Act is further amended by adding thereto the following sections:

OFFICE OF THE ASSEMBLY

Office of Assembly

71. The Office of the Assembly shall consist of the Speaker, the Deputy Speaker, the Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms, the Director of Administration and such other employees as may be required from time to time for the proper conduct of the business of the Office of the Assembly.

Clerk of Legislative Assembly, appointment

72.—(1) The Lieutenant Governor in Council shall appoint the Clerk of the Legislative Assembly.

Tenure of office

(2) The Clerk of the Legislative Assembly shall hold office during good behaviour but shall be removable from office for cause by the Lieutenant Governor on address of the Assembly.

Appointment of officers and staff

(3) The First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration shall be appointed by the Lieutenant Governor in Council upon such terms and conditions as the Speaker may recommend and the other employees of the Office of the Assembly shall be appointed by the Speaker.

Duties of officers

73. The Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration have such duties as may be provided for, from time to time, in the Standing Orders of the Legislative Assembly or as may be prescribed by the Speaker.



Estimates, submission to Board,

74.—(1) The Speaker shall present the estimates of the sums of money that will be required to be provided by the Legislature for the purposes of this Act to the Board of Internal Economy who shall review such estimates and make such alterations as it considers proper, and shall thereafter concur in such estimates.



laid before Assembly

(2) The Speaker shall cause the estimates to be laid before the Assembly.

Legislative Assembly Fund

75.—(1) The Speaker shall establish, maintain and be accountable for a fund to be known as the Legislative Assembly Fund.

Bank account

(2) The Speaker shall maintain an account with the Province of Ontario Savings Office or with any chartered bank designated by the Board of Internal Economy for the deposit of moneys paid into the Legislative Assembly Fund.

Fiscal year

(3) The fiscal year for the Legislative Assembly Fund shall be the same as the fiscal year for the Consolidated Revenue Fund.

Record

(4) The Speaker shall keep a record of all moneys received for or disbursed from the Legislative Assembly Fund.

Annual report

(5) The Speaker shall make an annual report to the Board of Internal Economy respecting the receipts and disbursements from the Legislative Assembly Fund.

Moneys paid into Fund

76. The moneys required from time to time for the purposes of this Act shall be paid out of moneys appropriated by the Assembly for the purposes of this Act and shall be paid into the Legislative Assembly Fund by the Treasurer of Ontario upon the requisition, from time to time, of the Speaker.

Where moneys required before appropriated

77.—(1) When, because the Legislature is adjourned, prorogued or dissolved or because the urgency of other public business prevents the Legislature from considering estimates or supplementary estimates, moneys are urgently required for the purposes of this Act before they have been appropriated, the Treasurer of Ontario may, subject

to the approval of the Lieutenant Governor in Council, advance the required moneys for the use of the Speaker upon the written request of the Board of Internal Economy, and such moneys shall be paid into the Legislative Assembly Fund.

Advances repayable out of moneys to be appropriated

(2) All moneys advanced by the Treasurer of Ontario under subsection 1 shall be deemed to be an interest free loan repayable from moneys to be appropriated by the Legislature for the purposes of this Act.

Form of payments out of Fund

78.—(1) Every payment out of the Legislative Assembly Fund shall be made by cheque, which shall be signed by the Speaker or the Deputy Speaker and by the Director of Administration or such other person who is for the time being authorized by the Speaker to sign cheques.

Signature

(2) The Speaker may authorize the use of facsimile signatures on cheques to be affixed thereto by printing, lithographing, engraving or by other mechanical means.

Destruction of cancelled cheques

(3) The Speaker, with the approval of the Provincial Auditor, may authorize the destruction, from time to time, of paid and cancelled cheques.

Payment of debts incurred in fiscal year

79.—(1) During the period of thirty days next following the end of a fiscal year there may be paid out of the Legislative Assembly Fund an amount, not exceeding the unexpended balance in the Fund at the end of such fiscal year, for the purpose of discharging any debt or obligation that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts or obligations that remain undischarged at the end of such period of thirty days shall be paid out of the Legislative Assembly Fund for the ensuing fiscal year.

Unexpended moneys to be paid to Treasurer

(2) All moneys that remain unexpended in the Legislative Assembly Fund after the thirty day period next following the end of a fiscal year shall be paid to the Treasurer of Ontario and become part of the Consolidated Revenue Fund.

Accountable advances

80.—(1) Any member of the Assembly or the Chairman or Secretary of a committee of the Assembly may apply to the Speaker and the Speaker may authorize an accountable advance out of the Legislative Assembly Fund for the purpose of meeting disbursements for travel or other contingencies, or making payments on account of expenses incurred or to be incurred.

Idem

(2) If, at the termination of the fiscal year in which an advance was made, no accounting or repayment of the advance has been received, such advance shall be accounted for or repaid within fifteen days thereafter.

Audit

81. The accounts and financial transactions of the Office of the Assembly shall be audited annually by the Provincial Auditor.

Board of Internal Economy, composition

82.—(1) There shall be a Board of Internal Economy composed of,

(*a*) the Speaker, who shall be the chairman;

(*b*) three commissioners appointed by the Lieutenant Governor in Council from among the members of the Executive Council; and

(*c*) three commissioners appointed,

(i) one from the caucus of the Government, by that caucus,

(ii) one from the caucus of the Official Opposition, by that caucus, and

(iii) one from the caucus of the party having the third largest membership in the Assembly other than a party referred to in subclauses i and ii, by that caucus,

and the name of each person appointed shall be communicated to the Speaker within ten days after being appointed.

Names of appointees to be communicated to Assembly

(2) The name and office of each member appointed as a commissioner shall be communicated by message from the Lieutenant Governor in Council to the Assembly.

Quorum

(3) A quorum of the Board consists of the Speaker, one commissioner appointed from among the members of the Executive Council and one other commissioner.

Procedures

83. The Board of Internal Economy may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

Powers and duties of Board

84. The Board of Internal Economy has the power and duty,

(*a*) to review estimates and forecasts, analyses of revenues, expenditures, commitments and other data pertaining to the Office of the Assembly and to assess the results thereof;

(*b*) to approve the organization and staff establishment for the Office of the Assembly;

(*c*) to approve and review administrative policies and procedures in relation to the operation of the Office of the Assembly;

(*d*) to advise upon all matters related to the management, administration, accounting and collection and disbursement of moneys associated with the Legislative Assembly Fund;

(*e*) to advise upon the retention and disposal of records except cancelled cheques; and

(*f*) to advise upon and give directions in relation to any matter the Board considers necessary for the efficient and effective operation of the Office of the Assembly,

and, if considered desirable, it may report on any of such matters to the Assembly.

Transfer of moneys within vote

85. The Board of Internal Economy may authorize the transfer of moneys from one item of the estimates of the Office of the Assembly to another item within the same vote and the Provincial Auditor shall make special mention in his report of any transfer under this section.

Regulation of terms and conditions of employment

86. Subject to the approval of the Board of Internal Economy, the Speaker may,

(*a*) establish job classifications and salary ranges;

(*b*) provide a system of cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

(*c*) provide for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection;

(*d*) provide for the granting of leave of absence; and

(*e*) prescribe any other terms and conditions of employment,

for employees of the Office of the Assembly.

Application of employee benefits of public servants

87.—(1) The employee benefits applicable from time to time to the public servants of Ontario with respect to the matters referred to in clauses *b*, *c* and *d* of section 86 apply or continue to apply, as the case may be, to the permanent and full-time employees of the Office of the Assembly until a plan or system in relation to the same subject-matter is provided by the Speaker under this Act, and where any such benefits are provided for in regulations made under *The Public Service Act*, the Speaker, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations.

R.S.O. 1970, c. 386

Vacation and sick leave credits to be transferred

(2) When the Speaker establishes a vacation or sick leave credit plan for the employees of the Office of the Assembly, there shall be placed to the credit of each employee the vacation or sick leave credits, as the case may be, standing to his credit in the plan under the regulations made under *The Public Service Act*.

Pension

R.S.O. 1970, c. 387

88. *The Public Service Superannuation Act* applies to the permanent employees and full-time probationary employees of the Office of the Assembly as though the Office of the Assembly was a board designated by the Lieutenant Governor in Council under section 27 of that Act, and all credits in the Public Service Superannuation Fund of persons appointed as permanent employees of the Office of the Assembly accumulated under that Act before they became employees of the Office of the Assembly, are preserved and continued in accordance with that Act.

Inquiry

89.—(1) If any complaint or representation is at any time made to the Speaker for the time being of the misconduct or unfitness of any employee of the Office of the Assembly, the Clerk of the Legislative Assembly may cause an inquiry to be made into such complaint or representation.

Reprimand, suspension or dismissal

(2) If, after a hearing, it appears to the Speaker that such person has been guilty of misconduct or is unfit to hold his position, the Speaker may, if such employee other than the Clerk of the Legislative Assembly has been appointed by the Lieutenant Governor in Council, reprimand or suspend him and report such suspension to the Lieutenant Governor in Council and if he has not been appointed by the Lieutenant Governor in Council, reprimand, suspend or dismiss him.

Appeal to Board

(3) A decision of the Speaker to suspend or dismiss an employee may be appealed by the employee, within fourteen days after the decision has been communicated to him, to the Public Service Grievance Board established pursuant to *The Public Service Act*.

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section and the provisions of Part V of Regulation 749 of Revised Regulations of Ontario, 1970 that apply in relation to a grievance for dismissal apply *mutatis mutandis* to an appeal under this section and the decision of the Board is final and the Board shall make a report of its decision including the reasons therefor to the Speaker and shall deliver a copy of the report to the appellant. Grievance Board authorized to hear appeal

90.—(1) Every employee of the Office of the Assembly shall, before any salary is paid to him, take and subscribe before the Speaker, the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of office and secrecy in Form 3. Oath of office

(2) Every employee of the Office of the Assembly shall, before performing any duty as a member of the Office of the Assembly, take and subscribe before the Speaker or before the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of allegiance in Form 4. Oath of allegiance

91. On the day this Act comes into force, the members of the public service of Ontario who have agreed to accept employment in the Office of the Assembly shall cease to be employed in the public service and each such person shall become an employee of the Office of the Assembly at a salary of not less than he was receiving on the day immediately before the day this Act comes into force. Acceptance by public servants of employment in Office of the Assembly

92. The Speaker in his capacity as head of the Office of the Assembly shall be deemed to be an employer within the meaning and for the purposes of *The Workmen's Compensation Act*. Application of R.S.O. 1970, c. 505

93.—(1) Such parts of the Legislative Building as may be designated by the Lieutenant Governor in Council in addition to the Legislative Chamber shall be under the control of the Speaker and the order in council shall be laid before the Assembly. Part of Legislative Building under Speaker

(2) The Speaker shall establish guidelines for the security of the Legislative Chamber and the other parts of the Legislative Building that are under his control. Security guidelines

(3) The security of the parts of the Legislative Building designated to be under the control of the Speaker shall be enforced by the same personnel that enforce security in the other parts of the Legislative Building. Enforcement

Provision of services for Assembly

94. The Speaker may call upon any ministry or agency of the Crown to provide any service or commodity for or on behalf of the Assembly that the Speaker considers necessary and the ministry or agency shall provide such service or commodity upon such terms and conditions as the ministry or agency may require.

Conflict with other Acts
1971 (2nd Sess.), c. 12
R.S.O. 1970, c. 166
1972, c. 3

95. In the event of a conflict between any provision of this Act and any provision of *The Management Board of Cabinet Act, 1971*, *The Financial Administration Act* or *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, the provision of this Act prevails.

Act administered by Speaker

96. The Speaker is responsible for the administration of this Act.

Delegation of duties

97. The Speaker may, in writing, delegate to the Deputy Speaker or to any employee in the Office of the Assembly any of his powers and duties under sections 71 to 98.

Agreements

98.—(1) The Speaker, for and on behalf of the Office of the Assembly, may enter into any agreement that he considers advisable for the purposes of carrying out the provisions of this Act.

Agreements enure to benefit of Assembly

(2) Any agreement entered into by the Speaker, or by any person duly authorized by him, enures to the benefit of the Assembly.

Speaker not personally liable

(3) The Speaker or his delegate is not personally liable for any agreement that he has entered into under this section.

Actions brought in name of Attorney General

(4) The Speaker, for and on behalf of the Office of the Assembly, may sue in the name of the Attorney General.

Forms 3, 4, enacted

4. The said Act is further amended by adding thereto the following Forms:

FORM 3

(*Section 90*)

I, ..., do swear that I will faithfully discharge my duties as an employee of the Office of the Assembly and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being an employee of the Office of the Assembly.

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FORM 4

(*Section 90*)

I, ..., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law.

So help me God.

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 shall be deemed to have come into force on the 1st day of April, 1974. Idem

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1974 (No. 2)*. Short title

BILL 170

An Act to amend
The Legislative Assembly Act

1st Reading

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2nd Reading

December 20th, 1974

3rd Reading

THE HON. J. W. SNOW
Minister of Government Services

(*Reprinted as amended by the Committee of the Whole House*)

1974

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Publications

BILL 170

4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

Legislative Assembly
Bills

An Act to amend The Legislative Assembly Act

The Hon. J. W. Snow
Minister of Government Services



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Printed by J. C. Thatcher, Queen's Printer for Ontario



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Election of Speaker and Deputy

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Vacancy in office of Speaker or Deputy

(2) In case of a vacancy in the office of Speaker or Deputy Speaker, the Assembly shall proceed to elect another of its members to fill the vacancy.

Duties

30.—(1) The Speaker shall preside at all meetings of the Assembly and shall preside over and have charge of the Office of the Assembly.

Absence of Speaker

(2) In the absence of the Speaker, the Deputy Speaker has all the powers, privileges and duties of the Speaker.

Illness, etc., of the Speaker or Deputy

31. When the Speaker or the Deputy Speaker finds it necessary to leave the chair during any part of the sittings on any day, he may call upon any member to take the chair and to act as speaker during the remainder of the day unless the Speaker or the Deputy Speaker resumes the chair before the close of the sittings for that day.

Election of speaker for the day

32. When the Speaker and the Deputy Speaker are not present at the meeting of the Assembly on any day, the Assembly may elect a member to take the chair and act as speaker for that day.

Election of speaker *pro tempore*

33. If the Speaker and the Deputy Speaker are absent from the chair for a period of forty-eight consecutive hours, the Assembly may elect another of its members to

act as speaker, and the member so elected, during the continuance of the absence of the Speaker and the Deputy Speaker, has all the powers, privileges and duties of the Speaker.

Speaker and Deputy to continue in office following dissolution

33*a*. The persons who hold the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature shall be deemed to be the Speaker and Deputy Speaker, respectively, until a Speaker and Deputy Speaker are elected by the Assembly.

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2. The said Act is amended by adding thereto the following sections:

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(*c*) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a party that has a recognized membership of twelve or more persons in the Assembly, for such use as the caucus may determine, such sum of money as is appropriated therefor by the Legislature for each caucus based on the number of members in the caucus;

(*d*) for the use of the caucus of the Official Opposition for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of the Official Opposition, an amount appropriated therefor by the Legislature; and

(*e*) for the use of the caucus of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of such party, an amount appropriated therefor by the Legislature.

Secretary or assistant for each member

70.—(1) Every member of the Assembly is entitled to a private secretary or personal assistant and moneys shall be provided towards the cost of the salaries of such persons out of moneys appropriated therefor by the Legislature.

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(2) Every member of the Assembly is entitled to office equipment, supplies and services in accordance with standards established by the Speaker.

ss. 71-98, enacted

3. The said Act is further amended by adding thereto the following sections:

OFFICE OF THE ASSEMBLY

Office of Assembly

71. The Office of the Assembly shall consist of the Speaker, the Deputy Speaker, the Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms, the Director of Administration and such other employees as may be required from time to time for the proper conduct of the business of the Office of the Assembly.

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(2) The Clerk of the Legislative Assembly shall hold office during good behaviour but shall be removable from office for cause by the Lieutenant Governor on address of the Assembly.

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(3) The First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration shall be appointed by the Lieutenant Governor in Council upon such terms and conditions as the Speaker may recommend and the other employees of the Office of the Assembly shall be appointed by the Speaker.

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73. The Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration have such duties as may be provided for, from time to time, in the Standing Orders of the Legislative Assembly or as may be prescribed by the Speaker.

Estimates, submission to Board,

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Bank account

(2) The Speaker shall maintain an account with the Province of Ontario Savings Office or with any chartered bank designated by the Board of Internal Economy for the deposit of moneys paid into the Legislative Assembly Fund.

Fiscal year

(3) The fiscal year for the Legislative Assembly Fund shall be the same as the fiscal year for the Consolidated Revenue Fund.

Record

(4) The Speaker shall keep a record of all moneys received for or disbursed from the Legislative Assembly Fund.

Annual report

(5) The Speaker shall make an annual report to the Board of Internal Economy respecting the receipts and disbursements from the Legislative Assembly Fund.

Moneys paid into Fund

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(3) The Speaker, with the approval of the Provincial Auditor, may authorize the destruction, from time to time, of paid and cancelled cheques.

Payment of debts incurred in fiscal year

79.—(1) During the period of thirty days next following the end of a fiscal year there may be paid out of the Legislative Assembly Fund an amount, not exceeding the unexpended balance in the Fund at the end of such fiscal year, for the purpose of discharging any debt or obligation that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts or obligations that remain undischarged at the end of such period of thirty days shall be paid out of the Legislative Assembly Fund for the ensuing fiscal year.

Unexpended moneys to be paid to Treasurer

(2) All moneys that remain unexpended in the Legislative Assembly Fund after the thirty day period next following the end of a fiscal year shall be paid to the Treasurer of Ontario and become part of the Consolidated Revenue Fund.

Accountable advances

80.—(1) Any member of the Assembly or the Chairman or Secretary of a committee of the Assembly may apply to the Speaker and the Speaker may authorize an accountable advance out of the Legislative Assembly Fund for the purpose of meeting disbursements for travel or other contingencies, or making payments on account of expenses incurred or to be incurred.

Idem

(2) If, at the termination of the fiscal year in which an advance was made, no accounting or repayment of the advance has been received, such advance shall be accounted for or repaid within fifteen days thereafter.

Audit

81. The accounts and financial transactions of the Office of the Assembly shall be audited annually by the Provincial Auditor.

Board of Internal Economy, composition

82.—(1) There shall be a Board of Internal Economy composed of,

(*a*) the Speaker, who shall be the chairman;

(*b*) three commissioners appointed by the Lieutenant Governor in Council from among the members of the Executive Council; and

(*c*) three commissioners appointed,

(i) one from the caucus of the Government, by that caucus,

(ii) one from the caucus of the Official Opposition, by that caucus, and

(iii) one from the caucus of the party having the third largest membership in the Assembly other than a party referred to in subclauses i and ii, by that caucus,

and the name of each person appointed shall be communicated to the Speaker within ten days after being appointed.

Names of appointees to be communicated to Assembly

(2) The name and office of each member appointed as a commissioner shall be communicated by message from the Lieutenant Governor in Council to the Assembly.

Quorum

(3) A quorum of the Board consists of the Speaker, one commissioner appointed from among the members of the Executive Council and one other commissioner.

Procedures

83. The Board of Internal Economy may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

Powers and duties of Board

84. The Board of Internal Economy has the power and duty,

(*a*) to review estimates and forecasts, analyses of revenues, expenditures, commitments and other data pertaining to the Office of the Assembly and to assess the results thereof;

(*b*) to approve the organization and staff establishment for the Office of the Assembly;

(*c*) to approve and review administrative policies and procedures in relation to the operation of the Office of the Assembly;

(*d*) to advise upon all matters related to the management, administration, accounting and collection and disbursement of moneys associated with the Legislative Assembly Fund;

(*e*) to advise upon the retention and disposal of records except cancelled cheques; and

(*f*) to advise upon and give directions in relation to any matter the Board considers necessary for the efficient and effective operation of the Office of the Assembly,

and, if considered desirable, it may report on any of such matters to the Assembly.

Transfer of moneys within vote

85. The Board of Internal Economy may authorize the transfer of moneys from one item of the estimates of the Office of the Assembly to another item within the same vote and the Provincial Auditor shall make special mention in his report of any transfer under this section.

Regulation of terms and conditions of employment

86. Subject to the approval of the Board of Internal Economy, the Speaker may,

(*a*) establish job classifications and salary ranges;

(*b*) provide a system of cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

(*c*) provide for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection;

(*d*) provide for the granting of leave of absence; and

(*e*) prescribe any other terms and conditions of employment,

for employees of the Office of the Assembly.

Application of employee benefits of public servants

87.—(1) The employee benefits applicable from time to time to the public servants of Ontario with respect to the matters referred to in clauses *b*, *c* and *d* of section 86 apply or continue to apply, as the case may be, to the permanent and full-time employees of the Office of the Assembly until a plan or system in relation to the same subject-matter is provided by the Speaker under this Act, and where any such benefits are provided for in regulations made under *The Public Service Act*, the Speaker, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations.

R.S.O. 1970, c. 386

Vacation and sick leave credits to be transferred

(2) When the Speaker establishes a vacation or sick leave credit plan for the employees of the Office of the Assembly, there shall be placed to the credit of each employee the vacation or sick leave credits, as the case may be, standing to his credit in the plan under the regulations made under *The Public Service Act*.

Pension

R.S.O. 1970, c. 387

88. *The Public Service Superannuation Act* applies to the permanent employees and full-time probationary employees of the Office of the Assembly as though the Office of the Assembly was a board designated by the Lieutenant Governor in Council under section 27 of that Act, and all credits in the Public Service Superannuation Fund of persons appointed as permanent employees of the Office of the Assembly accumulated under that Act before they became employees of the Office of the Assembly, are preserved and continued in accordance with that Act.

Inquiry

89.—(1) If any complaint or representation is at any time made to the Speaker for the time being of the misconduct or unfitness of any employee of the Office of the Assembly, the Clerk of the Legislative Assembly may cause an inquiry to be made into such complaint or representation.

Reprimand, suspension or dismissal

(2) If, after a hearing, it appears to the Speaker that such person has been guilty of misconduct or is unfit to hold his position, the Speaker may, if such employee other than the Clerk of the Legislative Assembly has been appointed by the Lieutenant Governor in Council, reprimand or suspend him and report such suspension to the Lieutenant Governor in Council and if he has not been appointed by the Lieutenant Governor in Council, reprimand, suspend or dismiss him.

Appeal to Board

(3) A decision of the Speaker to suspend or dismiss an employee may be appealed by the employee, within fourteen days after the decision has been communicated to him, to the Public Service Grievance Board established pursuant to *The Public Service Act*.

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section and the provisions of Part V of Regulation 749 of Revised Regulations of Ontario, 1970 that apply in relation to a grievance for dismissal apply *mutatis mutandis* to an appeal under this section and the decision of the Board is final and the Board shall make a report of its decision including the reasons therefor to the Speaker and shall deliver a copy of the report to the appellant. Grievance Board authorized to hear appeal

90.—(1) Every employee of the Office of the Assembly shall, before any salary is paid to him, take and subscribe before the Speaker, the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of office and secrecy in Form 3. Oath of office

(2) Every employee of the Office of the Assembly shall, before performing any duty as a member of the Office of the Assembly, take and subscribe before the Speaker or before the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of allegiance in Form 4. Oath of allegiance

91. On the day this Act comes into force, the members of the public service of Ontario who have agreed to accept employment in the Office of the Assembly shall cease to be employed in the public service and each such person shall become an employee of the Office of the Assembly at a salary of not less than he was receiving on the day immediately before the day this Act comes into force. Acceptance by public servants of employment in Office of the Assembly

92. The Speaker in his capacity as head of the Office of the Assembly shall be deemed to be an employer within the meaning and for the purposes of *The Workmen's Compensation Act*. Application of R.S.O. 1970, c. 505

93.—(1) Such parts of the Legislative Building as may be designated by the Lieutenant Governor in Council in addition to the Legislative Chamber shall be under the control of the Speaker and the order in council shall be laid before the Assembly. Part of Legislative Building under Speaker

(2) The Speaker shall establish guidelines for the security of the Legislative Chamber and the other parts of the Legislative Building that are under his control. Security guidelines

(3) The security of the parts of the Legislative Building designated to be under the control of the Speaker shall be enforced by the same personnel that enforce security in the other parts of the Legislative Building. Enforcement

Provision of services for Assembly

94. The Speaker may call upon any ministry or agency of the Crown to provide any service or commodity for or on behalf of the Assembly that the Speaker considers necessary and the ministry or agency shall provide such service or commodity upon such terms and conditions as the ministry or agency may require.

Conflict with other Acts 1971 (2nd Sess.), c. 12 R.S.O. 1970, c. 166 1972, c. 3

95. In the event of a conflict between any provision of this Act and any provision of *The Management Board of Cabinet Act, 1971*, *The Financial Administration Act* or *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, the provision of this Act prevails.

Act administered by Speaker

96. The Speaker is responsible for the administration of this Act.

Delegation of duties

97. The Speaker may, in writing, delegate to the Deputy Speaker or to any employee in the Office of the Assembly any of his powers and duties under sections 71 to 98.

Agreements

98.—(1) The Speaker, for and on behalf of the Office of the Assembly, may enter into any agreement that he considers advisable for the purposes of carrying out the provisions of this Act.

Agreements enure to benefit of Assembly

(2) Any agreement entered into by the Speaker, or by any person duly authorized by him, enures to the benefit of the Assembly.

Speaker not personally liable

(3) The Speaker or his delegate is not personally liable for any agreement that he has entered into under this section.

Actions brought in name of Attorney General

(4) The Speaker, for and on behalf of the Office of the Assembly, may sue in the name of the Attorney General.

Forms 3, 4, enacted

4. The said Act is further amended by adding thereto the following Forms:

FORM 3

(*Section 90*)

I, ..., do swear that I will faithfully discharge my duties as an employee of the Office of the Assembly and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being an employee of the Office of the Assembly.

So help me God.

FORM 4

(*Section 90*)

I, ..., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law.

So help me God.

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 shall be deemed to have come into force on the 1st day of April, 1974. Idem

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1974* (*No. 2*). Short title

BILL 170

An Act to amend
The Legislative Assembly Act

1st Reading

December 5th, 1974

2nd Reading

December 20th, 1974

3rd Reading

December 20th, 1974

THE HON. J. W. SNOW
Minister of Government Services

Publications

Ontario. Legislative Assembly BILL 171 Private Member's Bill

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-B56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to Provide for the Protection of Wages in Bankruptcy or Receivership

MR. LEWIS

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Explanatory Notes

The Bill gives employees priority over all other creditors including the Crown in right of Ontario for all arrears of wages when an employer goes into bankruptcy or receivership and sets up the administrative mechanics to collect the arrears.

Section 1. Self-explantory.

Section 2. Provides that an employment standards officer shall ascertain the amounts of all wage arrears when an employer goes into bankruptcy or receivership and shall forward his report to the trustee in bankruptcy and to the Director.

Section 3. Provides that the Director shall issue an order to the trustee to pay forthwith to the Director in trust, all arrears of wages. The order shall be delivered by registered mail.

Section 4. Provides that employees shall have priority over all other creditors for arrears of wages including the Crown in right of Ontario.

BILL 171 **1974**

An Act to Provide for the Protection of Wages in Bankruptcy or Receivership

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Director" means a director appointed under *The Employment Standards Act*; and R.S.O. 1970, c. 147

(*b*) "employment standards officer" means a person appointed for the purposes of this Act, and includes the Director.

Employment standards officer shall submit report

2. Where an employer enters into bankruptcy or receivership and upon a written request from any employee of such employer, an employment standards officer shall,

(*a*) ascertain the amount or amounts of all wages to which all employees of the employer are entitled; and

(*b*) forward a report to the trustee in bankruptcy and to the Director setting out the names of all employees and the wages to which each is entitled.

Director shall issue order

3.—(1) The Director shall issue an order to the trustee to pay forthwith to the Director in trust out of the employer's estate, all wages to which all the employees of the employer are entitled.

Delivery by registered mail

(2) An order issued by the Director under subsection 1 shall be delivered to the trustee by registered mail.

Priority of wages

4. Notwithstanding the provision of any other Act, the amount of wages set forth in an order issued under section 3 shall have priority to the claims or rights, including those

of the Crown in right of Ontario of all secured, preferred, ordinary or general creditors of the employer.

Review of order

5.—(1) A trustee who has been served with an order under section 3, upon paying the wages ordered to be paid, may, within a period of fifteen days after the date of receiving the order, or such longer period as the Director may for special reasons allow, apply for a review of the order by way of a hearing.

Application for review

(2) An application for review shall be made in writing to the Director and shall specify the grounds for the application.

Hearing

(3) The review shall be heard as soon as is practicable by a referee selected by the Director from a panel of referees selected by the Minister of Labour.

Parties

(4) The trustee, the employment standards officer from whose order the application for review is taken and such other persons as the referee may specify are parties to an application for review under this section and on the review the trustee shall be the applicant and the employment standards officer and such other persons specified by the referee, if any, shall be the respondents.

Idem

(5) The referee may specify one or more of the creditors of the employer to represent creditors and the one or more so specified are parties to the review.

Powers of referee

(6) On a review under this section, the referee may substitute his findings or opinions for those of the employment standards officer who issued the report and may amend, rescind or affirm the order issued by the Director.

Decision final and binding

(7) A decision of the referee under this section is final and binding upon the parties thereto and such other parties as the referee may specify.

Appointment of employment standards officers R.S.O. 1970, c. 386

6. Such persons as are considered necessary to enforce this Act may be appointed as employment standards officers under *The Public Service Act*.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Protection of Wages in Bankruptcy or Receivership Act, 1974*.

SECTION 5.—Subsection 1. Provides that a trustee may apply for a review of the order within fifteen days or such longer period as the Director may allow.

Subsections 2 and 3. Self-explanatory.

Subsection 4. States which persons shall be parties to the review.

Subsection 5. Provides that the referee may add creditors as parties to the review.

Subsection 6. Provides that the referee may amend, rescind or affirm the Director's order.

Subsection 7. Provides that the referee's decision is final.

SECTION 6. Provides for the appointment of employment standards officers.

BILL 171

An Act to Provide for the
Protection of Wages in Bankruptcy
or Receivership

1st Reading

December 5th, 1974

2nd Reading

3rd Reading

MR. LEWIS

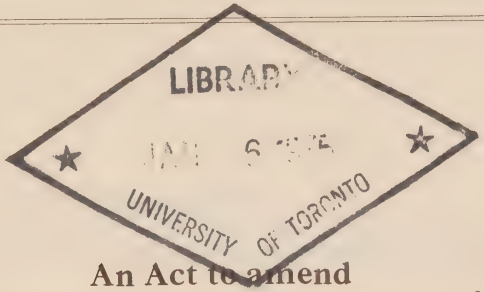
(*Private Member's Bill*)

1974

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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974



An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

MR. GAUNT

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



EXPLANATORY NOTE

The Bill extends the exemption from taxation under section 9 of the Act to include the Toronto Humane Society.

BILL 172 **1974**

An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*, being chapter 58, is amended by adding thereto the following subsection: s. 9, amended

(2) The lands and buildings of the class A members set out herein are exempt from taxation except for local improvements and school purposes so long as they are held, used and occupied for the purposes of such class A members: Exemption of class A members

1. The Toronto Humane Society

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 1974*. Short title

BILL 172

An Act to amend
The Ontario Society for the Prevention
of Cruelty to Animals Act, 1955

1st Reading

December 6th, 1974

2nd Reading

3rd Reading

MR. GAUNT

(*Private Member's Bill*)

1974

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Government
Publications

BILL 173 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
Bills

The Regional Municipalities Amendment Act, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

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Explanatory Notes

General

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

Part I — Ottawa-Carleton (ss. 1-6).

Part II — Niagara (ss. 7-12).

Part III — York (ss. 13-19).

Part IV — Waterloo (ss. 20-25).

Part V — Sudbury (ss. 26-33).

Part VI — Peel (ss. 34-38).

Part VII — Halton (ss. 39-43).

Part VIII — Hamilton-Wentworth (ss. 44-48).

Part IX — Durham (ss. 49-53).

Part X — Haldimand-Norfolk (ss. 54-58).

The following five numbered paragraphs relate to amendments that are common to all ten of the regional municipalities.

1. *Sections 1, 7, 13, 20, 26, 34, 39, 44, 49 and 54.*

   The Regional Council is empowered to appoint an acting chairman either to act on a specific occasion when the chairman is absent or on a more permanent basis to act from time to time whenever required by reason of the absence of the chairman.

2. *Sections 4, 10, 17, 23, 31 (1), 36 (1), 41 (1), 46 (1), 51 (1), 56 (1).*

   The effect of the amendment is to permit the Regional Corporation to become a member of any union of Ontario municipalities, to permit its employees to become members of any municipal association for improving technical skills and to pay tuition fees for its employees enrolled in college or university courses that will assist them in the discharge of their duties; these powers are presently vested in all local municipalities and counties. Provision is added to permit one consolidated bank account in which may be deposited moneys raised for all reserve funds rather than keeping a separate account for each reserve fund.

   The Regional Corporation is made responsible for the conveyance of prisoners as required.

3. *Sections 31 (2), 36 (2), 41 (2), 46 (2), 51 (2), 56 (2).*

   The added subsection empowers an area municipality, in the case where the Regional Council has required an owner of a building to connect to the sewage or water works, to make a loan to the owner to pay for the whole or part of the cost of the connection.

4. *Sections 5, 11, 18, 24, 33, 37, 42, 47, 52, 57.*

   The amendment removes any limitation on the power of the Regional Council to make grants to institutions, associations and persons engaged in works that are for the general advantage of the inhabitants of the Regional Area.

5. *Sections 6, 12, 19, 25, 30, 38, 43, 48, 53, 58.*

The amendment will give greater flexibility to the Regional Corporation in setting the fees to be charged to persons using its waste disposal sites.

Sections 27, 28, 35, 40, 45, 50, 55.

Relate to amendments that are common to each of the regional municipalities of Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk.

The sole responsibility for the supply and distribution of water and the collection and disposal of sewage in the Regional Area, including the method of financing, will be vested in the Regional Corporation; presently the area municipalities determine the manner in which their respective shares of the cost of such water and sewage works are to be raised.

The Municipal Board is empowered to hear and determine any application by the Regional Corporation for approval of any undertaking relating to the supply and distribution of water or the collection and disposal of sewage without having regard to the method by which the Regional Corporation intends to recover the cost of the undertaking. Where application is subsequently made to the Board for its approval to the method proposed for recovering the cost and the Board does not approve the application in whole or in part, the Board may direct the method. This change in determining the method of financing will not preclude affected ratepayers from being afforded an opportunity to make representations before the Board.

Sections 8, 9 (2), 14, 15, 21, 22.

Relate to amendments that are common to the regional municipalities of Niagara, York and Waterloo.

The Municipal Board is empowered to hear and determine any application by the Regional Corporation for approval of any undertaking relating to the supply and distribution of water or the collection and disposal of sewage without having regard to the method by which the Regional Corporation intends to recover the cost of the undertaking. Where application is subsequently made to the Board for its approval to the method proposed for recovering the cost and the Board does not approve the application in whole or in part, the Board may direct the method. This change in determining the method of financing will not preclude affected ratepayers from being afforded an opportunity to make representations before the Board.

The following sections of the Bill relate only to the regional municipalities mentioned therein:

SECTION 2. The sole responsibility for the supply and distribution of water in the Ottawa-Carleton Regional Area, including the method of financing, will be vested in the Regional Corporation.

SECTION 3. The Municipal Board is empowered to hear and determine any application by the Regional Corporation of Ottawa-Carleton for approval of any undertaking relating to the collection and disposal of sewage without having regard to the method by which the Regional Corporation intends to recover the cost of the undertaking.

SECTION 9.—Subsection 1. The amendment makes it clear that the Niagara Regional Council may impose a sewer rate on an area municipality or part thereof to pay the whole or part of the cost of a sewage work that is to be constructed and not only on such works that have been constructed or assumed.

SECTION 16. The amendment permits the York Regional Council to add interest at a rate of up to 12 per cent per annum on overdue payments of the regional levy owing to it by an area municipality; presently the provision is for interest to be added at the rate of one-half of 1 per cent per month.

SECTION 29. The amendment makes the Sudbury Regional Council responsible for making the municipal appointments to any public hospital board in the Regional Area.

SECTION 32.—Subsection 1. The amendment removes the limitation on the sum of money the Sudbury Regional Corporation may expend in any one year extolling the virtues of the Region as an industrial, business, educational, residential or vacation centre.

Subsection 2. The Sudbury Regional Corporation is empowered to acquire and sell land for industrial operations and such power is removed from the area municipalities.

BILL 173 **1974**

The Regional Municipalities Amendment Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Section 17 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 17, re-enacted

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

2. Section 27 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 74, section 1 and 1972, chapter 126, section 3, is repealed and the following substituted therefor: s. 27, re-enacted

27.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of Supply and distribution of water by Regional Corporation

water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment roll

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 11, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by an area municipality is vested in the Regional Corporation effective the 1st day of January, 1969, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 9, the area municipality may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

Agreements

(11) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality in respect of the matters provided for in this Part.

s. 30, amended

3. Section 30 of the said Act is amended by adding thereto the following subsection:

Approval of O.M.B. to undertaking, etc.

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and dis-

posal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme.

s. 124 (1), amended

4. Subsection 1 of section 124 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, is further amended by inserting after "254" in the second line "subsection 3 of section 308" and by inserting after "3" in the second line "10, 11, 12".

s. 127, amended

5. Section 127 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 92" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 140*a* (3), amended

6. Subsection 3 of section 140*a* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 74, section 4, is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

s. 17, re-enacted

7. Section 17 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Acting chairman

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

8. Section 27*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 51, section 2, is amended by adding thereto the following subsection: s. 27*a*, amended

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

9.—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2, is amended by striking out "or constructed" in the eighth line and inserting in lieu thereof "constructed or to be constructed". s. 54 (1), amended

(2) The said section 54 is amended by adding thereto the following subsections: s. 54, amended

(3) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(4) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 3 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

10. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14 and amended by 1973, chapter 158, section 6, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 154 (1), amended

11. Section 157 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one s. 157, amended

mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 119" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 172 (3), amended

12. Subsection 3 of section 172 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 17, re-enacted

13. Section 17 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Acting chairman

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 27*a*, amended

14. Section 27*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 78, section 3, is amended by adding thereto the following subsections:

Approval of O.M.B. to undertaking, etc.

(6) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(7) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 6 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

15. Section 48 of the said Act is amended by adding thereto the following subsections: s. 48, amended

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for the approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

16. Subsection 16 of section 114 of the said Act is repealed and the following substituted therefor: s. 114 (16), re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

17. Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1 and 1973, chapter 156, section 7, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 149 (1), amended

18. Section 152 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities s. 152, amended

under subsection 3 of section 114" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 166 (3), amended

19. Subsection 3 of section 166 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 18, re-enacted

20. Section 18 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 29, amended

21. Section 29 of the said Act is amended by adding thereto the following subsections:

Approval of O.M.B. to undertaking, etc.

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

22. Section 51 of the said Act is amended by adding thereto the following subsections: s. 51, amended

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

23. Subsection 1 of section 158 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 3 and 1973, chapter 137, section 9, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 158 (1), amended

24. Section 161 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 161, amended

25. Subsection 3 of section 175 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, s. 175 (3), amended

weight or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 18, re-enacted

26. Section 18 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 29, re-enacted

27. Section 29 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 4, is repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

29.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation. Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board. Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof. Area municipalities, no power to supply and distribute water

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and Vesting of property in Regional Corporation

surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255,

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

28. Section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 139, section 5, is repealed and the following substituted therefor: s. 31, re-enacted

31.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, R.S.O. 1970, c. 255 is payable as the owners' share of the local improvement work.

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 35, amended

29. Section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 6, is further amended by adding thereto the following subsection:

Regional Council to make municipal appointments to hospital boards

(3) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area.

s. 77 (3), amended

30. Subsection 3 of section 77 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

s. 115 (1), amended

31.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12".

s. 115, amended

(2) The said section 115 is amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 117, amended

32.—(1) Section 117 of the said Act is amended by striking out "not exceeding $50,000 in any one year" in the first and second lines.

s. 117, amended

(2) The said section 117 is further amended by adding thereto the following subsections:

Application of R.S.O. 1970, c. 284, ss. 354 (1), par. 50, 395

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such power, save and except in respect of

those lands acquired or held by a local municipality on or before the 1st day of January, 1975.

Application

(3) The Regional Corporation shall be deemed to have had the authority conferred under subsection 2 since the 1st day of January, 1974.

s. 118, amended

33. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines.

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

s. 18, re-enacted

34. Section 18 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

ss. 76, 77, re-enacted

35. Section 76, as amended by the Statutes of Ontario, 1973, chapter 161, section 5, and section 77 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a

municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the Corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

36.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 161, section 6, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12". s. 115 (1), amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 161, section 6 and 1974, chapter 5, section 3, is further amended by adding thereto the following subsection: s. 115, amended

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections

37. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

s. 131 (3), amended

38. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

s. 18, re-enacted

39. Section 18 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such a member has and may exercise all the rights, powers and authority of the chairman.

ss. 76, 77, re-enacted

40. Section 76, as amended by the Statutes of Ontario, 1973, chapter 162, section 7, and section 77 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the

amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation, responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work. Regional Corporation liability R.S.O. 1970, c. 255

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made. Default

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement. Agreements

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system. Area municipality responsibility for storm drainage

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

41.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 162, section 8, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 162, section 8 and 1974, chapter 5, section 4, is further amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 118, amended

42. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines.

s. 131 (3), amended

43. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 18, re-enacted

44. Section 18 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed and the following substituted therefor:

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

45. Section 76, as amended by the Statutes of Ontario, 1973, chapter 163, section 6, and section 77 of the said Act are repealed and the following substituted therefor: ss. 76, 77, re-enacted

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Supply and distribution of water by Regional Corporation

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof. Method of financing

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property

assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof,

and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work,

project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work. R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council

of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

46.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 163, section 7, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 163, section 7 and 1974, chapter 5, section 5, is further amended by adding thereto the following subsection:

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1970, c. 284

47. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

48. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances". s. 131 (3), amended

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

49. Section 18 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

50. Section 55, as amended by the Statutes of Ontario, 1973, chapter 147, section 4, section 56, section 57, as amended by the Statutes of Ontario, 1973, chapter 147, section 5 and sec- ss. 55, 56, re-enacted, ss. 57, 58, repealed

tion 58 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

55.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application

by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional

Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

56.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

51.—(1) Subsection 1 of section 123 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12". s. 123 (1), amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10 and 1974, chapter 5, section 6, is further amended by adding thereto the following subsection: s. 123, amended

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1970, c. 284

52. Section 126 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 89" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines. s. 126, amended

s. 139 (3), amended

53. Subsection 3 of section 139 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 18, re-enacted

54. Section 18 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

ss. 78, 79, re-enacted

55. Sections 78 and 79 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

78.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. Entry by clerk on collector's roll

R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

79.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection

and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the Corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 119 (1), amended

56.—(1) Subsection 1 of section 119 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 119, amended

(2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 5, section 7, is further amended by adding thereto the following subsection:

Loans re sewer and water connections
R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 122, amended

57. Section 122 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 84" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines.

s. 135 (3), amended

58. Subsection 3 of section 135 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

MISCELLANEOUS

59.—(1) This Act, except sections 2, 27, 28, 35, 40, 45, 47, 50 and 55, comes into force on the day it receives Royal Assent. Commencement

(2) Section 47 shall be deemed to have come into force on the 1st day of January, 1974. Idem

(3) Sections 2, 27, 28, 35, 40, 45, 50 and 55 come into force on the 1st day of January, 1975. Idem

60. This Act may be cited as *The Regional Municipalities Amendment Act, 1974 (No. 2)*. Short title

The Regional Municipalities Amendment Act, 1974

1st Reading

December 9th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

1974

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-B56

Publications

BILL 173 **Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

The Regional Municipalities Amendment Act, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

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Explanatory Notes

General

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

Part I — Ottawa-Carleton (ss. 1-6).

Part II — Niagara (ss. 7-12).

Part III — York (ss. 13-19).

Part IV — Waterloo (ss. 20-25).

Part V — Sudbury (ss. 26-33).

Part VI — Peel (ss. 34-39).

Part VII — Halton (ss. 40-44).

Part VIII — Hamilton-Wentworth (ss. 45-49).

Part IX — Durham (ss. 50-54).

Part X — Haldimand-Norfolk (ss. 55-59).

The following five numbered paragraphs relate to amendments that are common to all ten of the regional municipalities.

1. *Sections 1, 7, 13, 20, 26, 34, 40, 45, 50 and 55.*

   The Regional Council is empowered to appoint an acting chairman either to act on a specific occasion when the chairman is absent or on a more permanent basis to act from time to time whenever required by reason of the absence of the chairman.

2. *Sections 4, 10, 17, 23, 31 (1), 37 (1), 42 (1), 47 (1), 52 (1), 57 (1).*

   The effect of the amendment is to permit the Regional Corporation to become a member of any union of Ontario municipalities, to permit its employees to become members of any municipal association for improving technical skills and to pay tuition fees for its employees enrolled in college or university courses that will assist them in the discharge of their duties; these powers are presently vested in all local municipalities and counties. Provision is added to permit one consolidated bank account in which may be deposited moneys raised for all reserve funds rather than keeping a separate account for each reserve fund.

   The Regional Corporation is made responsible for the conveyance of prisoners as required.

3. *Sections 31 (2), 37 (2), 42 (2), 47 (2), 52 (2), 57 (2).*

   The added subsection empowers an area municipality, in the case where the Regional Council has required an owner of a building to connect to the sewage or water works, to make a loan to the owner to pay for the whole or part of the cost of the connection.

4. *Sections 5, 11, 18, 24, 33, 38, 43, 48, 53, 58.*

   The amendment removes any limitation on the power of the Regional Council to make grants to institutions, associations and persons engaged in works that are for the general advantage of the inhabitants of the Regional Area.

5. *Sections 6, 12, 19, 25, 30, 39, 44, 49, 54, 59.*

The amendment will give greater flexibility to the Regional Corporation in setting the fees to be charged to persons using its waste disposal sites.

Sections 27, 28, 36, 41, 46, 51, 56.

Relate to amendments that are common to each of the regional municipalities of Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk.

The sole responsibility for the supply and distribution of water and the collection and disposal of sewage in the Regional Area, including the method of financing, will be vested in the Regional Corporation; presently the area municipalities determine the manner in which their respective shares of the cost of such water and sewage works are to be raised.

The Municipal Board is empowered to hear and determine any application by the Regional Corporation for approval of any undertaking relating to the supply and distribution of water or the collection and disposal of sewage without having regard to the method by which the Regional Corporation intends to recover the cost of the undertaking. Where application is subsequently made to the Board for its approval to the method proposed for recovering the cost and the Board does not approve the application in whole or in part, the Board may direct the method. This change in determining the method of financing will not preclude affected ratepayers from being afforded an opportunity to make representations before the Board.

Sections 8, 9 (2), 14, 15, 21, 22.

Relate to amendments that are common to the regional municipalities of Niagara, York and Waterloo.

The Municipal Board is empowered to hear and determine any application by the Regional Corporation for approval of any undertaking relating to the supply and distribution of water or the collection and disposal of sewage without having regard to the method by which the Regional Corporation intends to recover the cost of the undertaking. Where application is subsequently made to the Board for its approval to the method proposed for recovering the cost and the Board does not approve the application in whole or in part, the Board may direct the method. This change in determining the method of financing will not preclude affected ratepayers from being afforded an opportunity to make representations before the Board.

The following sections of the Bill relate only to the regional municipalities mentioned therein:

SECTION 2. The sole responsibility for the supply and distribution of water in the Ottawa-Carleton Regional Area, including the method of financing, will be vested in the Regional Corporation.

SECTION 3. The Municipal Board is empowered to hear and determine any application by the Regional Corporation of Ottawa-Carleton for approval of any undertaking relating to the collection and disposal of sewage without having regard to the method by which the Regional Corporation intends to recover the cost of the undertaking.

SECTION 9.—Subsection 1. The amendment makes it clear that the Niagara Regional Council may impose a sewer rate on an area municipality or part thereof to pay the whole or part of the cost of a sewage work that is to be constructed and not only on such works that have been constructed or assumed.

SECTION 16. The amendment permits the York Regional Council to add interest at a rate of up to 12 per cent per annum on overdue payments of the regional levy owing to it by an area municipality; presently the provision is for interest to be added at the rate of one-half of 1 per cent per month.

SECTION 29. The amendment makes the Sudbury Regional Council responsible for making the municipal appointments to any public hospital board in the Regional Area.

SECTION 32.—Subsection 1. The amendment removes the limitation on the sum of money the Sudbury Regional Corporation may expend in any one year extolling the virtues of the Region as an industrial, business, educational, residential or vacation centre.

Subsection 2. The Sudbury Regional Corporation is empowered to acquire and sell land for industrial operations and such power is removed from the area municipalities.

BILL 173 **1974**

The Regional Municipalities Amendment Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Section 17 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 17, re-enacted

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

2. Section 27 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 74, section 1 and 1972, chapter 126, section 3, is repealed and the following substituted therefor: s. 27, re-enacted

27.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of Supply and distribution of water by Regional Corporation

water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment roll

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 11, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by an area municipality is vested in the Regional Corporation effective the 1st day of January, 1969, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 9, the area municipality may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

Agreements

(11) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality in respect of the matters provided for in this Part.

s. 30, amended

3. Section 30 of the said Act is amended by adding thereto the following subsection:

Approval of O.M.B. to undertaking, etc.

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and dis-

posal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme.

s. 124 (1), amended

4. Subsection 1 of section 124 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, is further amended by inserting after "254" in the second line "subsection 3 of section 308" and by inserting after "3" in the second line "10, 11, 12".

s. 127, amended

5. Section 127 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 92" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 140*a* (3), amended

6. Subsection 3 of section 140*a* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 74, section 4, is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

s. 17, re-enacted

7. Section 17 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Acting chairman

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

8. Section 27*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 51, section 2, is amended by adding thereto the following subsection: s. 27*a*, amended

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

9.—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2, is amended by striking out "or constructed" in the eighth line and inserting in lieu thereof "constructed or to be constructed". s. 54 (1), amended

(2) The said section 54 is amended by adding thereto the following subsections: s. 54, amended

(3) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(4) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 3 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

10. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14 and amended by 1973, chapter 158, section 6, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 154 (1), amended

11. Section 157 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one s. 157, amended

mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 119" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 172 (3), amended

12. Subsection 3 of section 172 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 17, re-enacted

13. Section 17 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Acting chairman

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 27*a*, amended

14. Section 27*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 78, section 3, is amended by adding thereto the following subsections:

Approval of O.M.B. to undertaking, etc.

(6) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(7) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 6 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

15. Section 48 of the said Act is amended by adding thereto the following subsections: s. 48, amended

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for the approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

16. Subsection 16 of section 114 of the said Act is repealed and the following substituted therefor: s. 114 (16), re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

17. Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1 and 1973, chapter 156, section 7, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 149 (1), amended

18. Section 152 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities s. 152, amended

under subsection 3 of section 114" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 166 (3), amended

19. Subsection 3 of section 166 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 18, re-enacted

20. Section 18 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 29, amended

21. Section 29 of the said Act is amended by adding thereto the following subsections:

Approval of O.M.B. to undertaking, etc.

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

22. Section 51 of the said Act is amended by adding thereto the following subsections: s. 51, amended

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

23. Subsection 1 of section 158 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 3 and 1973, chapter 137, section 9, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 158 (1), amended

24. Section 161 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 161, amended

25. Subsection 3 of section 175 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, s. 175 (3), amended

weight or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 18, re-enacted

26. Section 18 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 29, re-enacted

27. Section 29 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 4, is repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

29.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation. Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board. Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof. Area municipalities, no power to supply and distribute water

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and Vesting of property in Regional Corporation

surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255,

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

28. Section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 139, section 5, is repealed and the following substituted therefor: s. 31, re-enacted

31.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work. Regional Corporation liability R.S.O. 1970, c. 255

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made. Default

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement. Agreements

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system. Area municipality responsibility for storm drainage

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 35, amended

29. Section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 6, is further amended by adding thereto the following subsection:

Regional Council to make municipal appointments to hospital boards

(3) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area.

s. 77 (3), amended

30. Subsection 3 of section 77 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

s. 115 (1), amended

31.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12".

s. 115, amended

(2) The said section 115 is amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 117, amended

32.—(1) Section 117 of the said Act is amended by striking out "not exceeding $50,000 in any one year" in the first and second lines.

s. 117, amended

(2) The said section 117 is further amended by adding thereto the following subsections:

Application of R.S.O. 1970, c. 284, ss. 354 (1), par. 50, 395

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such power, save and except in respect of

those lands acquired or held by a local municipality on or before the 1st day of January, 1975.

(3) The Regional Corporation shall be deemed to have had the authority conferred under subsection 2 since the 1st day of January, 1974. Application

33. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

34. Section 18 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

35. Subsection 3 of section 26 of the said Act is amended by adding at the end thereof "but this provision shall not apply in the year 1974". s. 26 (3), amended

36. Section 76, as amended by the Statutes of Ontario, 1973, chapter 161, section 5, and section 77 of the said Act are repealed and the following substituted therefor: ss. 76, 77, re-enacted

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of water-works systems and the financing thereof and all the Supply and distribution of water by Regional Corporation

provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the Corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

37.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 161, section 6, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12". s. 115 (1), amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 161, section 6 and 1974, chapter 5, section 3, is further amended by adding thereto the following subsection: s. 115, amended

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections

38. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

s. 131 (3), amended

39. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

s. 18, re-enacted

40. Section 18 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such a member has and may exercise all the rights, powers and authority of the chairman.

ss. 76, 77, re-enacted

41. Section 76, as amended by the Statutes of Ontario, 1973, chapter 162, section 7, and section 77 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the

amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation, responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work. R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

42.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 162, section 8, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 162, section 8 and 1974, chapter 5, section 4, is further amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 118, amended

43. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines.

s. 131 (3), amended

44. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 18, re-enacted

45. Section 18 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed and the following substituted therefor:

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

46. Section 76, as amended by the Statutes of Ontario, 1973, chapter 163, section 6, and section 77 of the said Act are repealed and the following substituted therefor: ss. 76, 77, re-enacted

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Supply and distribution of water by Regional Corporation

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof. Method of financing

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property

assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof,

and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work,

project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council

of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

47.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 163, section 7, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 163, section 7 and 1974, chapter 5, section 5, is further amended by adding thereto the following subsection:

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1970, c. 284

48. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

49. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances". s. 131 (3), amended

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

50. Section 18 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

51. Section 55, as amended by the Statutes of Ontario, 1973, chapter 147, section 4, section 56, section 57, as amended by the Statutes of Ontario, 1973, chapter 147, section 5 and sec- ss. 55, 56, re-enacted, ss. 57, 58, repealed

tion 58 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

55.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application

by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional

Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

56.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

52.—(1) Subsection 1 of section 123 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12". s. 123 (1), amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10 and 1974, chapter 5, section 6, is further amended by adding thereto the following subsection: s. 123, amended

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1970, c. 284

53. Section 126 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 89" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines. s. 126, amended

s. 139 (3), amended

54. Subsection 3 of section 139 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 18, re-enacted

55. Section 18 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

ss. 78, 79, re-enacted

56. Sections 78 and 79 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

78.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. Entry by clerk on collector's roll

R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

79.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection

and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the Corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 119 (1), amended

57.—(1) Subsection 1 of section 119 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 119, amended

(2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 5, section 7, is further amended by adding thereto the following subsection:

Loans re sewer and water connections
R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 119 (9), re-enacted

(3) Subsection 9 of the said section 119, as re-enacted by the Statutes of Ontario, 1974, chapter 5, section 7, is repealed and the following substituted therefor:

Idem

(9) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, the council of the successor area municipality to such local municipality, or the Regional Council when the subject-matter of the by-law pertains to a function of the Regional Corporation, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the Regional Corporation and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

58. Section 122 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 84" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines. s. 122, amended

59. Subsection 3 of section 135 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances". s. 135 (3), amended

MISCELLANEOUS

60.—(1) This Act, except sections 2, 27, 28, 36, 41, 46, 48, 51 and 56, comes into force on the day it receives Royal Assent. Commencement

(2) Section 48 shall be deemed to have come into force on the 1st day of January, 1974.

(3) Sections 2, 27, 28, 36, 41, 46, 51 and 56 come into force on the 1st day of January, 1975.

61. This Act may be cited as *The Regional Municipalities Amendment Act, 1974* (No. 2). Short title

The Regional Municipalities Amendment Act, 1974

1st Reading

December 9th, 1974

2nd Reading

December 13th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

1974

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4th Session, 29th Legislature, Ontario
23 Elizabeth II, 1974

The Regional Municipalities Amendment Act, 1974

The Hon. J. White
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
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BILL 173 **1974**

The Regional Municipalities Amendment Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Section 17 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 17, re-enacted

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

2. Section 27 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 74, section 1 and 1972, chapter 126, section 3, is repealed and the following substituted therefor: s. 27, re-enacted

27.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of Supply and distribution of water by Regional Corporation

water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment roll
R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 11, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by an area municipality is vested in the Regional Corporation effective the 1st day of January, 1969, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 9, the area municipality may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

Agreements

(11) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality in respect of the matters provided for in this Part.

s. 30, amended

3. Section 30 of the said Act is amended by adding thereto the following subsection:

Approval of O.M.B. to undertaking, etc.

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and dis-

posal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme.

s. 124 (1), amended

4. Subsection 1 of section 124 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, is further amended by inserting after "254" in the second line "subsection 3 of section 308" and by inserting after "3" in the second line "10, 11, 12".

s. 127, amended

5. Section 127 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 92" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 140*a* (3), amended

6. Subsection 3 of section 140*a* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 74, section 4, is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

s. 17, re-enacted

7. Section 17 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Acting chairman

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

8. Section 27*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 51, section 2, is amended by adding thereto the following subsection: s. 27*a*, amended

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

9.—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2, is amended by striking out "or constructed" in the eighth line and inserting in lieu thereof "constructed or to be constructed". s. 54 (1), amended

(2) The said section 54 is amended by adding thereto the following subsections: s. 54, amended

(3) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(4) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 3 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

10. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14 and amended by 1973, chapter 158, section 6, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 154 (1), amended

11. Section 157 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one s. 157, amended

mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 119" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 172 (3), amended

12. Subsection 3 of section 172 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 17, re-enacted

13. Section 17 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Acting chairman

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 27*a*, amended

14. Section 27*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 78, section 3, is amended by adding thereto the following subsections:

Approval of O.M.B. to undertaking, etc.

(6) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(7) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 6 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

15. Section 48 of the said Act is amended by adding thereto the following subsections: s. 48, amended

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for the approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

16. Subsection 16 of section 114 of the said Act is repealed and the following substituted therefor: s. 114 (16), re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

17. Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1 and 1973, chapter 156, section 7, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 149 (1), amended

18. Section 152 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities s. 152, amended

under subsection 3 of section 114" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 166 (3), amended

19. Subsection 3 of section 166 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 18, re-enacted

20. Section 18 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 29, amended

21. Section 29 of the said Act is amended by adding thereto the following subsections:

Approval of O.M.B. to undertaking, etc.

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

22. Section 51 of the said Act is amended by adding thereto the following subsections: s. 51, amended

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

23. Subsection 1 of section 158 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 3 and 1973, chapter 137, section 9, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 158 (1), amended

24. Section 161 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 161, amended

25. Subsection 3 of section 175 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, s. 175 (3), amended

weight or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 18, re-enacted

26. Section 18 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 29, re-enacted

27. Section 29 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 4, is repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

29.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation. Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board. Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof. Area municipalities, no power to supply and distribute water

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and Vesting of property in Regional Corporation

surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255,

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

28. Section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 139, section 5, is repealed and the following substituted therefor: s. 31, re-enacted

31.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, R.S.O. 1970, c. 255 is payable as the owners' share of the local improvement work.

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 35, amended

29. Section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 6, is further amended by adding thereto the following subsection:

Regional Council to make municipal appointments to hospital boards

(3) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area.

s. 77 (3), amended

30. Subsection 3 of section 77 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

s. 115 (1), amended

31.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12".

s. 115, amended

(2) The said section 115 is amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 117, amended

32.—(1) Section 117 of the said Act is amended by striking out "not exceeding $50,000 in any one year" in the first and second lines.

s. 117, amended

(2) The said section 117 is further amended by adding thereto the following subsections:

Application of R.S.O. 1970, c. 284, ss. 354 (1), par. 50, 395

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such power, save and except in respect of

those lands acquired or held by a local municipality on or before the 1st day of January, 1975.

(3) The Regional Corporation shall be deemed to have had the authority conferred under subsection 2 since the 1st day of January, 1974. Application

33. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

34. Section 18 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

35. Subsection 3 of section 26 of the said Act is amended by adding at the end thereof "but this provision shall not apply in the year 1974". s. 26 (3), amended

36. Section 76, as amended by the Statutes of Ontario, 1973, chapter 161, section 5, and section 77 of the said Act are repealed and the following substituted therefor: ss. 76, 77, re-enacted

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the Supply and distribution of water by Regional Corporation

provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the Corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

37.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 161, section 6, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12". s. 115 (1), amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 161, section 6 and 1974, chapter 5, section 3, is further amended by adding thereto the following subsection: s. 115, amended

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections

38. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

s. 131 (3), amended

39. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

s. 18, re-enacted

40. Section 18 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such a member has and may exercise all the rights, powers and authority of the chairman.

ss. 76, 77, re-enacted

41. Section 76, as amended by the Statutes of Ontario, 1973, chapter 162, section 7, and section 77 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof. Method of financing

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation. Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board. Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise Area municipalities, no power to supply and distribute water

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the

amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation, responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

42.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 162, section 8, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 162, section 8 and 1974, chapter 5, section 4, is further amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 118, amended

43. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines.

s. 131 (3), amended

44. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 18, re-enacted

45. Section 18 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed and the following substituted therefor:

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

46. Section 76, as amended by the Statutes of Ontario, 1973, chapter 163, section 6, and section 77 of the said Act are repealed and the following substituted therefor: ss. 76, 77, re-enacted

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Supply and distribution of water by Regional Corporation

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof. Method of financing

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property

assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof,

and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work,

project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council

of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

47.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 163, section 7, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 163, section 7 and 1974, chapter 5, section 5, is further amended by adding thereto the following subsection:

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1970, c. 284

48. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

49. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances". s. 131 (3), amended

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

50. Section 18 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

51. Section 55, as amended by the Statutes of Ontario, 1973, chapter 147, section 4, section 56, section 57, as amended by the Statutes of Ontario, 1973, chapter 147, section 5 and sec- ss. 55, 56, re-enacted, ss. 57, 58, repealed

tion 58 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

55.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application

by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional

Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

56.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

52.—(1) Subsection 1 of section 123 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12". s. 123 (1), amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10 and 1974, chapter 5, section 6, is further amended by adding thereto the following subsection: s. 123, amended

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1970, c. 284

53. Section 126 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 89" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines. s. 126, amended

s. 139 (3), amended

54. Subsection 3 of section 139 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 18, re-enacted

55. Section 18 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

ss. 78, 79, re-enacted

56. Sections 78 and 79 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

78.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof. Method of financing

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation. Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board. Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise Area municipalities no power to supply and distribute water

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. Entry by clerk on collector's roll

R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

79.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection

and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work. R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the Corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 119 (1), amended

57.—(1) Subsection 1 of section 119 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 119, amended

(2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 5, section 7, is further amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 119 (9), re-enacted

(3) Subsection 9 of the said section 119, as re-enacted by the Statutes of Ontario, 1974, chapter 5, section 7, is repealed and the following substituted therefor:

Idem

(9) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, the council of the successor area municipality to such local municipality, or the Regional Council when the subject-matter of the by-law pertains to a function of the Regional Corporation, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the Regional Corporation and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

58. Section 122 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 84" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines. s. 122, amended

59. Subsection 3 of section 135 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances". s. 135 (3), amended

MISCELLANEOUS

60.—(1) This Act, except sections 2, 27, 28, 36, 41, 46, 48, 51 and 56, comes into force on the day it receives Royal Assent. Commencement

(2) Section 48 shall be deemed to have come into force on the 1st day of January, 1974.

(3) Sections 2, 27, 28, 36, 41, 46, 51 and 56 come into force on the 1st day of January, 1975.

61. This Act may be cited as *The Regional Municipalities Amendment Act, 1974* (No. 2). Short title

The Regional Municipalities Amendment Act, 1974

1st Reading

December 9th, 1974

2nd Reading

December 13th, 1974

3rd Reading

December 16th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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